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A letter from the Biſhop of C. to the Earl of Bellamont, on his late duel with Lord Townſhend. [29.]

My LORD,

THOUGH I preſume to addreſs myſelf to your Lordſhip on a ſubject in which you are unfortunately but too much intereſted, it is not my intention by any means to wound the ſenſibility of your temper, or to queſtion the benevolence of your heart. I am ſure you are a brave man: and I hear you are as good a man as any to be found among the youth of condition in this kingdom: yet pardon me, my Lord, if I ſay, that our youth of condition do not want advice upon any point ſo much as upon the point of honour, with which they fancy themſelves ſo intimately acquainted; and let me inform you, a Father of the Church now begs your moſt ſerious attention, that, through your Lordſhip, he may communicate a few obſervations to the world, no leſs neceſſary to maintain the laws of his country, than to enforce the commandments of his God.

Be not, however, terrified, my Lord, though an old man, and that man of ſome eccleſiaſtical conſequence too, breaks thus abruptly on your retirement: He will talk to you as faſhionably as if he did not think religiouſly, and make (the better to anſwer his purpoſe) a ſerious queſtion in morals, an object of polite inveſtigation.—To drop the third perſon, my Lord, I know experimentally what

the paſſions are at your time of life; young men prefer any criminality with which meanneſs is not connected, to the ſlighteſt idea of diſhonour; they do not fear to commit a flagitious action ſo much as to be concerned in a fooliſh one; and there are particular crimes, ſuch as duelling, for inſtance, in which cuſtom has made it glory, not only to ſacrifice every dictate of our reaſon, but every impulſe of our humanity.

I have ſaid, my Lord, that I know experimentally with what a vehemence the paſſions, eſpecially where the point of honour is concerned, rage in the boſom of a young man.—In the early part of life, I received an inſu't which I thought myſelf indiſpenſably bound to reſent; and of courſe, either a ſubmiſſion, or a meeting in the field, became the only alternative I could propoſe to the party by whom I ſuppoſed myſelf injured. He choſe the latter; and your Lordſhip can eaſily conceive my affliction. My own perſonal ſafety was no more than an atom in the ſcale of conſideration; but I agonized at the ſuppoſition of the ruin which I was probably going to pull down upon my own family, as well as upon the family of my antagoniſt.—I was an only ſon, the ſole heir of an ancient houſe, and in a fortnight to marry a woman on whom I doated to diſtraction.—The man whom I challenged, beſides, was circumſtanced almoſt ſimilarly, and had lived with me in an uninterrupted courſe of friendſhip for years.—Theſe reflections occurred to me inceſſantly: yet my pride (your Lordſhip will excuſe me) ſteeled me againſt the ſalutary counſel they ſuggeſted. Reaſon, no leſs than religion, pointed out the various horrors of my ſituation, in the moſt forcible light: my pride, however, taught me to oppoſe the influence of both; and I determined to act like a man of *ſpirit*, let the conſequences be never ſo fatal either to my temporal peace, or to my eternal felicity.

Not to treſpaſs unneceſſarily on your Lordſhip's patience, I repaired with a heavy heart to the place of appointment; and waited ſcarce a ſecond for the appearance of my enemy.—His looks ſufficiently beſpoke the anguiſh of his mind; but he was equally bigotted with myſelf to the hereſy of that Moloch, Modern Honour, and equally reſolved to worſhip him with blood. We could both of us, I am confident, have embraced with the utmoſt cordiality; yet, to behave *ſpiritedly*, it was indiſpenſably requiſite to attack each other's lives: our courage might be ſuſpected, if we heſitated, even a moment, at a faſhionable murder; and we therefore fired, to purchaſe the good opinion of the world, though at the abſolute expence of our own.—My ball, thanks to the mercy of God, did no miſchief; my antagoniſt's was more effectual; I received ſo violent a wound in the breaſt as to be in a ſtate of the greateſt danger for three months; and, in leſs than twelve, ſaw the father whom I reverenced, and the woman whom I adored, carried to the grave, in conſequence of what they ſuffered during the afflicting interval of my cure. Oh, my Lord, the ſcorn of a thouſand worlds would have been elyſium to what I felt on that dreadful occaſion! How often did I wiſh, that Nature had formed me with a diſpoſition the moſt daſtardly that ever fell to the lot of her meaneſt ſons! If I flew to Reaſon for comfort, ſhe told me that I had deſpiſed her beſt advice; if I turned to Religion, ſhe bid me remember how I had trampled on her graveſt admonitions.—Pride only appeared with a gleam of ſeeming conſolation; ſhe told that I had acted as became a man of Honour, and had ſpiritedly demanded ſatisfaction for an unpardonable affront. It was true, I had *demanded* ſatisfaction; yet what ſatisfaction had I *received*? If I was groſsly inſulted at firſt, I was now irreparably injured; and clearly ſaw, that though I might have behaved very gallantly, the behaviour was nevertheleſs madneſs, which could think laſting miſery an effectual remedy for imaginary diſgrace.

In the ſuperſtitious ages of the world, my Lord, when men abſurdly believed that Providence interpoſed immediately in favour of the party injured, a deciſion of a diſpute by perſonal combat was not altogether ridiculous: but in theſe more enlightened times, when the ſun of Science has happily diſpelled the clouds of Enthuſiaſm, a continuation of ſo Gothic a cuſtom is a ſcandal upon the human underſtanding.—No preternatural interpoſition is *now* expected to give a certain triumph to the perſon wronged; no, my Lord, the aggreſſor and the aggrieved are upon equal terms; and, as in your own caſe, no leſs than mine, the latter has often the moſt melancholy cauſe to be *diſſatisfied*, where he is even *indulged* with the moſt *honourable* ſatisfaction.—It is juſtly obſerved by a very celebrated writer,

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ter, that though men may live fools, they cannot die fools [v. 279.]: Your Lordſhip and I have been both upon the verge of eternity; and therefore, with reſpect to the point of honour at leaſt, we may be ſuppoſed to poſſeſs a little ſhare of underſtanding. Give me leave, therefore, to aſk you ſeriouſly, whether any thing can be ſo abſurd as the faſhionable practice of duelling? We receive an affront, and we endanger our lives; we expoſe the long liſt of our friends to diſtreſs; we hazard all the glowing expectations of our tendereſt ſocial ties, all our deareſt proſpects in this world, and all our greateſt in the next, to—to do what?—I bluſh, my Lord, at my own queſtion—to puniſh ſome act of incivility that ſhould excite our contempt, or ſome diſreſpect which is wholly below our indignation.—The man who is not ready to apologize for any offence he offers another, does not deſerve to be conſidered as a gentleman. Yet, ſuppoſing the caſe otherwiſe, the offence ought indeed to be deadly which induces us to take away a life. If it is of ſuch magnitude as to require a bloody expiation, it ſhould be left to the laws; and if it is not, we ſurely rebel againſt the majeſty of our own hearts where we endeavour to wipe it away with blood.

In whatever light we look upon duelling, my Lord, I am perſuaded you will concur with me in thinking that it is founded no leſs in folly than in barbarity. Where we are even the victors, what is our triumph? A triumph over humanity, a triumph over juſtice, a triumph over our families, our country, and our God.—If our reaſon, therefore, is not alarmed at the various dangers attending this horrible cuſtom, our pride ſhould be roufed at the charge of weakneſs to which it expoſes our characters. Few who go into the field have any wiſh to deſtroy the life of an adverſary; yet all muſt unavoidably expoſe their own. Our univerſal ſtudy is, to ſet a juſt value upon this bleſſing; yet our univerſal practice is, to treat it as an object of the ſlighteſt conſideration. A four look, a haughty accent, or an abrupt reply, are with us motives enough to loſe or take a life at any time. In fact, the life of an Engliſh gentleman is the only thing in which he ſeems to have the leaſt property: Make an attempt upon his eſtate, and he ſeeks a judicial remedy; ſet fire to his houſe, and he ſeeks a judicial remedy alſo; but if you tread upon his toe, or doubt his veracity, no law can give him redreſs; his life muſt be inſtantly hazarded to procure ſatisfaction; and the moment another becomes rude, he is obliged to be deſperate: Thus ſituated, he meets his adverſary (as every feeling man muſt meet an adverſary) with an infinitely greater ſhare of apprehenſion for conſequences, than of a paſſion for revenge: Though he wants fortitude to do what he *wiſhes*, yet he muſters up courage to do what he *abhors*, and is brave enough to kill perhaps his deareſt friend, becauſe his cowardice is too exceſſive to oppoſe the ridiculous tyranny of a deſpicable cuſtom.

Seriouſly, my Lord, is the good opinion of the world worth enjoying upon conditions like theſe? In my opinion, it is not; and if Honour is ſomething that muſt be gratified at the expence either of juſtice or humanity, I am convinced that it is not very honourable. We all acknowledge the propriety of this reaſoning, yet we all continue the abject ſlaves of a cuſtom we deteſt. What a glory would it, therefore, be to your Lordſhip, whoſe character for perſonal bravery is ſo thoroughly eſtabliſhed, if you aſſociated with a few ſenſible young men of quality, to reſcue us from a tyranny ſo barbarous!—You owe your country much for riſking ſo valuable a life as your own, and this would be an exalted method of diſcharging the obligation.

I know, my Lord, that many elegant writers are apprehenſive, that if duelling was once aboliſhed, a cuſtom additionally dangerous would be immediately adopted in its room.—The judicious author, particularly, who has obliged the world with the Principles of Penal Law, aſks, in his chapter upon Duelling, "Whether it is not to be feared, that the propenſity of our natures to revenge would ſubſtitute the more fatal, and the more odious, practice of aſſaſſination?" For my part, I think not: and for the very reaſon which he himſelf aſſigns to ſhew the inefficacy of declaiming againſt duelling. "Of little avail (ſays he) is it to object, that true Honour depends not on the prejudices of the people, but hath its ſource in the heart; that it is more courageous to reſiſt the abſurd tyranny of cuſtom, than to ſubmit to it; that the defence of Honour is not placed in occaſional appeals to the ſword and piſtol, but in a life of integrity and vir-

true; that when a fencing-school is made the court of justice, there is no law but violence, no argument but murder.—All these assertions (concludes our author) may be true; but the most solid reasoning is received as mere declamation, when opposed to the impetuosity of passion, or the *fear of shame*."—"When *shame* (says he, in another place) is the consequence of obedience to law, the sword of justice loses its terrors.—Hence, the duellist kills his friend whom he loves, and the judge condemns the duellist, while he scarcely knows how in his own heart to disapprove his behaviour." Surely, my Lord, if *shame* is so very irresistible as to *force* us into *duelling*, it would be equally powerful to keep us from *assassination*; if *shame* is necessary to *make us seek for honourable* reparation, it would certainly be sufficient to save us from the infamy of a *dastardly* revenge.—It would unquestionably be as efficacious on the side of law, prudence, and humanity, as upon the side of injustice, absurdity, and blood. Nothing therefore, my Lord, is wanting but a generous association among a few young men of rank, to root out the custom of duelling. If such an association was once established, and if the members only made it publicly known, that they would never admit any man into their company, who either refused to apologize for an offence he had given, or required the life of a fellow-creature as an atonement for an affront, the most salutary consequences would speedily result to society.—It is better, my Lord, that there should be no redress *at all* for insults, than to adopt a mode of redress, if *redress* it may be called, which accumulates the injuries of the party insulted.—Many are the associations to improve the breed, to encourage race-horses, and to preserve the game:—For the love of Heaven, my Lord, let there be one association to preserve the human species, to save the weary father from falling a victim to the frenzy of his slaughtered son, to prevent the darling mother's agonizing shrieks, to snatch the tender wife from unutterable despair, and to continue a parent to a helpless brood of innocents.

I cannot proceed, my Lord, on this affecting subject: my heart is too full; and I have already trespassed sufficiently on your patience. I shall therefore only observe, that as the other associations just now mentioned, have either been extinguished by royal or parliamentary protection, the one I recommend could not fail of being warmly encouraged by both, as an institution no less honourable to the kingdom, than delightful to God.

May that God take your Lordship into his particular care, and lead you seriously to weigh this admonition, from your Lordship's true well-wisher, C.

Westminster Magazine, for Feb. 1773, N° 3.

A view of the ENGLISH GOVERNMENT.

From VOLTAIRE's *Questions sur L'Encyclopedie*, just published.

IT is curious to observe the progress by which governments are established. I shall not here speak of Tamerlane, because I know not precisely the mystery of government in the Mogul's dominions; but we may see it more clearly in the administration of England. Besides, I shall find a greater pleasure in examining the latter, than I should in examining the former administration; because in England you have men, in India chiefly slaves.

And first, for the Norman bastard, who took it in his head to make himself King of England. No doubt he had as much right to it as St Lewis had afterwards to Grand Cairo; but St Lewis unluckily neglected to get a title to Grand Cairo made out in the court of Rome: whereas William took care to have his claim made lawful, and even sacred, by obtaining from Pope Alexander II. an arret confirming his divine right, without so much as hearing the defence of the adversary, and by the sole virtue of these words, *Whatsoever thou shalt bind on earth, the same shall be bound in heaven.* His competitor Harold, the legal monarch, being thus bound by an arret issued from heaven, William strengthened his cause by a more powerful argument, which was the battle of Hastings. Thus he reigned by virtue of the same power which had established Pepin and Clovis in France, the Goths and the Lombards in Italy, the Visigoths, and after them the Arabs, in Spain, the Vandals in Africa, and, in short, all the monarchs in the world, in their turns.

It must be owned, that William had as much right as the Saxons, or the Danes, who had likewise as much right as the Romans before them. And the title of these heroes was equal, at least, to that of highwaymen; or, if you please, to that of pole-cats in a poultry-yard.

All these great men were such arrant robbers on the highway, that, from Romulus

mulus to the Buccaneers, the *ſpolia opima* were the principal object. Plunder and pillage, beef and mutton, were the game. So that the names of ſoldier and robber were frequently ſynonymous.

This William, then, is eſtabliſhed, a King by divine right; and William Rufus, who uſurped the crown againſt the right of his eldeſt brother, is a King likewiſe by the ſame divine right; and Henry III. uſurper after him, might equally plead the ſame.

The Norman Barons, who, at their own expence, had concurred in the invaſion of England, wanted a recompence. It was neceſſary they ſhould have it, and that they ſhould be conſtituted the firſt officers of the crown. The fineſt demeſnes were given up to them. It is clear that William would much rather have kept the lands himſelf, and have made body-guards of his Norman Lords; but it would have been riſking too much. He was obliged to ſhare them *.

As to the Anglo-Saxon Lords, they could not kill them all, nor yet reduce all of them to a ſtate of ſlavery. They left them the dignity of manerial Lords. And thus things were held in an equal balance to the firſt quarrel.

But what became of the reſt of the nation? Nothing more than what has happened to all the people in Europe, a ſtate of vaſſalage.

In ſhort, after the folly of the Cruſades, the ruined princes ſold their liberties to the peaſants, who had acquired a little money by labour and commerce, towns were enfranchiſed, the commons had their privileges, and the rights of mankind ſprung from anarchy itſelf.

The Barons throughout were at variance both with their prince and with each other. Every thing wore the aſpect of a civil war. Yet from this diſmal chaos aroſe a ray of light, which, however feeble, ſerved as a guide to the people, and made their circumſtances ſomething leſs deplorable.

The Kings of England having dominions in France, it is no wonder if many eſtabliſhments in the ſtate reſembled the French.

The Engliſh court of Chancery was in imitation of the Council of State, over which the chancellor of France preſided.

The court of King's-Bench was erected on the model of the Parliament inſtituted by Philip the Fair.

The Common Pleas were the ſame with the juriſdiction of the Chatelet.

The Court of Exchequer reſembled that of the Generals of the Finances, which, in France, is become the Court of Aids.

The maxim, that crown-lands are unalienable, was evidently in imitation of the French government.

The right of the King of England to have his ranſom paid by his ſubjects, in caſe of his being made a priſoner of war; his right of demanding a portion for his eldeſt daughter when ſhe marries; are plainly of French origin.

Soon after Philip the Fair had conſtituted a general ſtate of the Commons of his kingdom, Edward did the ſame in England, by way of forming a balance againſt the power of the Barons. For it was in this prince's reign that the Houſe of Commons was abſolutely eſtabliſhed.

Till the fourteenth century, then, we ſee that the government of England reſembled that of France. The national churches were perfectly the ſame; the ſame ſubjection to the court of Rome; the ſame exactions that were ſtill complained of, but ever paid to that avaricious court; the ſame quarrels; the ſame excommunications; the ſame donations to monks; the ſame mixture of religious rapine, ſuperſtition, and barbarity.

The government of France and England having then been conducted on the ſame principles for ſo many ages, how comes it to paſs that theſe two governments are now become as different as thoſe of Morocco and Venice?

Is it not becauſe Great Britain being an iſland *, the King has no occaſion to keep up a large ſtanding army, which ſerves no leſs to awe the ſubject than to guard againſt the enemy?

Is it not becauſe the Engliſh are of a more ſolid turn, more given to reflection, and more ſteady in their reſolutions, than other nations?

And was it not for this reaſon, that, ever complaining of the Papal yoke, they, at length, totally ſhook it off, while a nation of greater levity, at the ſame time,

* And ſome of them were not contented with their ſhares, which naturally occaſioned many future jealouſies and diviſions. The name of a village in Somerſetſhire remains a curious monument of this diſcontent. It is called *Nortonmal Reward*.

* Mr Voltaire ſays, *l'Angleterre etant une iſle*, one of his uſual inaccuracies.

time, laughed at it, and wore it, and danced in their fetters?

Has not the maritime ſituation of their country too, their extenſive navigation, given them a ſeverity of manners?

And that ſeverity of manners, which has made their iſland the ſcene of ſo many tragical events, has not that likewiſe contributed to inſpire them with a generous freedom?

The love of liberty,—is not that become their prevailing characteriſtic? Has not this grown in proportion with the improvement of their wealth and their underſtanding? The people cannot be equally powerful, but they may be free. And this the Engliſh have obtained by their firmneſs.

To be free is to be dependent only on the laws. Of courſe the Engliſh love their laws as parents do their children, becauſe they proceeded from themſelves; at leaſt they believe they did.

A government ſuch as this could not be eſtabliſhed haſtily. It had reſpectable powers to contend with, and conſequently required time. The power of the Pope, the moſt formidable, becauſe founded on ignorance and prejudice; the power of the Crown, ever ready to make incroachments, and always on that account to be guarded againſt; the power of the Barons, which was an abſolute anarchy; the power of the Biſhops, which extended as well to civil as to eccleſiaſtical matters, contended for the ſuperiority both with the Barons and the Kings.

By degrees, the Houſe of Commons became a barrier to theſe torrents; and that Houſe does now, in fact, conſtitute the nation. The King, who is the head, acts only for himſelf, and for what is called the prerogative. The Peers aſſemble in parliament only for themſelves. The Biſhops do no more. But the Houſe of Commons aſſembles in behalf of the people. Now the people are to the King as eight millions are to a unit, to the Biſhops and the Peers as eight millions are to two hundred, and eight millions of free citizens are repreſented by the Lower Houſe.

From this eſtabliſhment, compared to which the republic of Plato is an idle reverie, and which might ſeem to be the invention of a Locke, a Newton, a Halley, or an Archimedes, have evils ariſen ſhocking to humanity. The diſorder of the vaſt machine went near to deſtroy it, in the time of Fairfax and of Cromwell. Fanaticiſm got into the grand edifice, like a devouring fire, which conſumes the moſt beauteous buildings that are only made of wood.

In the time of William III. it was rebuilt of ſtone. Philoſophy has deſtroyed fanaticiſm, that bane of the beſt-regulated ſtates; and it is ſurely probable, that a conſtitution which has regulated the rights of the King, the Nobility, and the People, (a conſtitution in which every individual finds his ſecurity), will laſt as long as any human eſtabliſhment can laſt; and it is equally probable, that all ſtates which have not the happineſs to be founded on ſuch principles as theſe, will haſten to a revolution.

Since writing the above article, I have re-peruſed the nineteenth book of the Spirit of Laws; wherein the author exhibits a portrait of England, without naming it. I was ready to commit my own to the flames; but I conſidered, that though it wanted the wit, the refinement, and the depth that one admires in Monteſquieu, it might ſtill be uſeful. It is founded on facts that are indiſputable, and ſometimes one is inclined to doubt the ideas of ingenuity.

Authentic Papers, relative to the expedition againſt the Charibbs, and the ſale of lands in the iſland of St Vincent.

Extract from the Report of the Commiſſioners for the ſale of lands in the ceded iſlands, to the Lords Commiſſioners for Trade and Plantation, dated July 26. 1769.

HAving finiſhed every thing neceſſary for this year at Grenada, we imbarked for St Vincent; where, in obedience to our inſtructions from the Rt Hon. the Lords Commiſſioners of his Majeſty's Treaſury, relating to the ſettlement of the windward part of that iſland, before we attempted any meaſures that might occaſion the leaſt alarm among the Charibbs, we had taken every precaution directed by their Lordſhips, and uſed all poſſible means of making them acquainted with his Majeſty's gracious diſpoſition towards them; and for that purpoſe employed different perſons, whom we thought to have the greateſt influence over them, as emiſſaries, to explain the arrangements intended, and had ſeveral interviews with many of them in their own country, where we went to meet them. From the temper of thoſe with whom we converſed,

converſed, and the reports we had of the ſentiments of the reſt, we did not conceive any difficulty would ariſe in the execution of their Lordſhips inſtructions; we therefore directed the ſurveyors to begin a road at the river Coubmaron, which is the boundary of the country claimed by the Charibbs; judging that the moſt uſeful ſtep to ſet out with, as it would open a communication with the ſettled part of the iſland, and thereby render the land more valuable, give an opportunity of diſcovering the number and ſituation of the Charibbs, and at the ſame time greatly facilitate the ſurvey of the country. With this road the ſurveyors proceeded to a place called Maſſerica, about eight miles diſtant, in a ſtraight line from where they began. In the courſe of their work they were met with by ſome few Indians, who appeared diſcontented at the progreſs of the road, and heard rumours of an intended oppoſition to the continuation of it, which induced us to requeſt of the Governor of the iſland a party of ſoldiers to protect the ſurveyors in the execution of their duty. After the party was granted, the buſineſs was for ſome time carried on without interruption, or further ſhow of diſcontent amongſt the Charibbs, inſomuch that it being judged inconvenient and unneceſſary that the regiment ſhould have a large detachment at ſo great a diſtance from the barracks, no more than a ſerjeant's guard was continued. On the approach of the ſurveyors near Maſſerica, it was thought proper to build ſome new huts, and to advance the ſoldiers more into the country, that they might be at hand to give any aſſiſtance, if required. This occaſioned freſh diſcontents, and it was therefore judged neceſſary to increaſe the guard to the number of forty men; who, on march towards the huts prepared for their reception, were ſtopped by ſome of the Black Indians, acquainting them, that a large party was aſſembled, and determined to oppoſe their taking poſſeſſion of the huts; and that they would not ſuffer the Engliſh to carry on the road into the country, or to have any ſettlement there; and that they did not acknowledge any obedience to the King of Great Britain, or to the French King, being a free people. To theſe threats the ſoldiers paid no attention, but marched up to the poſt; where they diſcovered a party of Indians aſſembled, about three hundred in number, well armed; who, after ſome altercations, were prevailed upon by arguments, to retire to a ſmall diſtance, where they remained in arms. Soon afterwards intelligence was brought to the Preſident of the iſland, that the Indians had ſurrounded the party poſted in the country, and cut off their communication of the road, ſo that no proviſions or ſuccours could be conveyed to them; which occaſioned a conſiderable alarm in the iſland, and it was judged expedient to march out the remainder of the regiment to their relief. Sir William Young being the only Commiſſioner on the iſland, thought proper, on behalf of the Board, to communicate to the Preſident our inſtructions on this ſubject; and was clearly of opinion, that nothing was to be undertaken, in the preſent weak ſtate of the colony, that might endanger the peace and ſecurity of it; and that by the inſtructions, no authority was given to commence hoſtilities: and as it appeared impracticable to carry into execution the plan for ſettling that part of the country, in the manner directed by their Lordſhips, (that is with a mild and gentle hand), that he did no longer require the aid of his Majeſty's troops to ſupport the ſurveyors; as will appear by his letter to the Preſident, a copy of which we have the honour herewith to tranſmit to your Lordſhips; and by the other letters, which are alſo ſent, your Lordſhips may be the better enabled to judge of the behaviour of the Charibbs on this occaſion.

At a meeting of the Board ſoon afterwards, Sir William Young communicated to the Commiſſioners what had paſſed, and what he had declared on their behalf to the Preſident; which was unanimouſly approved of; and orders were immediately given to the ſurveyors to deſiſt from any further ſurveys in the country.

Notwithſtanding this caution, and the great pains ſince taken to aſſure the Charibbs they would be permitted to remain in perfect tranquillity till the King's further pleaſure ſhould be known, and that their ſafety and happineſs depended on their future good behaviour, they have even proceeded to acts of violence without the leaſt provocation: They have blocked up in many places the high-road we had cauſed to be traced into the country; burnt the houſes of a perſon employed by us on behalf of his Majeſty, merely becauſe he had been uſeful in the ſervice;

ſervice; and have threatened other outrages, and particularly (as we have received intelligence) formed a deſign to burn his Majeſty's barracks at Prince's Bay, built at a very great expence, and in the centre of a ſettled part of the country, at a great diſtance from what they inhabit or claim.

The inſtructions we have now from their Lordſhips are, in our humble opinions, as proper as any that could have been deviſed, for the purpoſe of ſettling the windward part of the country; but experience now ſhews us, that it will be impoſſible, without imminent danger to the colony, to complete any ſettlements or arrangements with them, let the terms propoſed be ever ſo tender or advantageous, without a force ſufficient to reſtrain and awe them into obedience; for which purpoſe it will be highly neceſſary to have a conſiderable military force upon the iſland, before we again attempt to carry our inſtructions into execution, as we find their numbers greatly exceed what we formerly apprehended.

We have the greateſt reaſon to think, that ſuffering the Charibbs to remain in their preſent ſtate will be very dangerous, and may at ſome period prove fatal to the inhabitants of the country; as their ſituation, ſurrounded with woods, makes any acceſs to them, for the purpoſe of executing juſtice, totally impracticable; and they will from thence be capable of committing all outrages unpuniſhed; of harbouring the ſlaves of the inhabitants of the iſland, as well as of all the neighbouring iſlands; of ſheltering amongſt them vagabonds and deſerters from the French; and, in caſe of a rupture with France, it is probable they will join in diſtreſſing the inhabitants, and in attempting to conquer the iſland.

We can now aſſure your Lordſhips, that the country is full as extenſive as it was even repreſented; the ſoil excellent, and perfectly well adapted to the cultivation of ſugar; and if the plan of ſettlement is carried into execution, will be equal to any of his Majeſty's iſlands in thoſe ſeas.

Depoſition of John Quinland.

St Vincent.

BEFORE Gilbert Gillock, Eſq; one of his Majeſty's juſtices of the peace for ſaid iſland, perſonally appeared John Quinland, maſter of the ſloop Ranger; who being duly ſworn on the Holy Evangeliſt of Almighty God, depoſeth, and ſayeth,

That on the 21ſt inſt. he departed from the Bay of Kingſton, in the ſaid iſland, to cruiſe between that and St Lucia, purſuant to orders received from the Preſident of ſaid iſland; on which ſtation he continued till the 24th, when he ſteered for, and came to an anchor, about five in the morning, in the Bay of Souffriere, at St Lucia; that on his arrival there, he ſent his boat along the coaſt to ſee if there were any Indian canoes in the out-bays; but not finding any, the next day he got under ſail, and ſtood along the ſhore of St Lucia to the ſouthward; and afterwards being two leagues in the channel between that iſland and St Vincent, he diſcovered four canoes, which proved Black Charibbs, and each canoe to have nineteen or more of thoſe people on board; that he fired to bring them to, in order to examine them, agreeable to his orders; on which they immediately pulled down their ſails, and took to their paddles, making towards the ſloop as faſt as they could; that the ſloop at that time was becalmed; and perceiving them in coming up to lay hold of ſome muſkets, and having but nine men on board, he made ſigns for only one of the canoes to approach at a time; that notwithſtanding they perſiſted to come up together, on which he fired into them, which they returned, and rowed on with a ſeeming intention to board the veſſel; that ſoon after this he ſunk one of the canoes at a diſtance, and a little time after another, the crews of which took to ſwimming with cutlaſſes in their mouths, and made directly towards the ſloop, which they very near reached, when he ſunk the other canoes as they came alongſide; that they ſtill perſiſted to board, which he prevented by oppoſing them as they endeavoured to get up the ſides, by deſtroying them with bayonets; that by this means he killed moſt of them; and the wind ſpringing up, he left thoſe that remained to ſhift for themſelves. The deponent further adds, that their canoes were loaded with kegs, from which he ſaw them ſupply themſelves with catridges to load their arms; and that early in the engagement, he had two men killed and one wounded.—Signed, JOHN QUINLAND.—Sworn before me, this 29th Aug. 1769, Signed, G. HILLOCK.

Pro-

Proceedings and Debates in PARLIAMENT. [XXXIV. 727]

THE preſent ſeſſion of parliament was opened by the King, Nov. 26. 1772, with a ſpeech, already [XXXIV. 631.] inſerted.

After a motion was made in the Houſe of Commons, and agreed to, for an anſwer to his Majeſty's ſpeech, Lord North moved, 1. That a committee of the whole Houſe do take into conſideration the preſent ſcarcity of all kinds of grain, and the moſt probable means of remedying the evils that may ariſe therefrom. 2. That this Houſe do take into conſideration the preſent ſtate of the Eaſt-India company, and that a committee of ſecrecy be appointed by them for that purpoſe, conſiſting of thirteen perſons, to be choſen by ballot.—The firſt motion was agreed to unanimouſly; the ſecond after a ſhort debate.

On the latter motion ſpeeches were made to the following purport.

Lord North. The Eaſt-India company claims the attention of parliament on two accounts; as a ſovereign and politic, and as a great commercial body of Britiſh ſubjects. In the former capacity, they add to the revenues of the nation, a large ſhare of the revenues of their territorial acquiſitions in the Eaſt; and in the latter, they increaſe the national wealth by their extenſive trade. The expediency of uniting the commerce with the political power has been attended with unforeſeen conſequences, which have occaſioned ſome imbarraſſment in the complicated affairs in which the company is engaged; the directors have therefore applied to government for relief; they deſire to ſubmit the ſtate of their affairs to inſpection. But as it would be highly improper to expoſe to all the world the ſecret and confidential tranſactions of the company, for the ſake of a temporary relief in money-matters, I have therefore moved, that a few members only be appointed to enter upon the inquiry, on whoſe report the Houſe may rely for the neceſſary information.

Mr Huſſey. It is the practice of miniſters at all times, to conceal from the public eye, the true ſtate of public affairs, that the *few* who are let into the *ſecret*, may have opportunities of profiting by the ignorance of the *many*. By thus employing a ſecret committee in this buſineſs, parliament, inſtead of being able to ſet all men upon a level with reſpect to the diſpoſal or purchaſe of property in the company's ſtock, will itſelf be made the dupe of a miniſterial junto, and be made to believe, not what is true, but what the miniſter may think proper to lay before them: I am, therefore, for an open committee of the whole Houſe.

Lord North. The diſcloſure of the company's ſecrets, by the mode of inquiry adopted in the laſt ſeſſions, has been complained of, as the principal cauſe of the iniquitous tranſactions ſo ruinous to the company's credit that have ſince taken place. It is for this reaſon that a more confined mode of inquiry is now propoſed. It is only the external credit of the company that is affected: for as to internal ſtrength and vigour, I am perſuaded they are in full health.

Mr Mackworth. I have the higheſt opinion of the Noble Lord's intentions, but differ from him in the mode of proceeding. In the firſt place, the name of a ſecret committee has ſomething in it that will ever create ſuſpicion; and in the next, the number propoſed is too ſmall to trace out the truth in the complicated maze of error and miſrepreſentation that will naturally be laid before them. In the multitude of counſel there is ſafety. I am for a committee of the whole Houſe.

Gen. Burgoyne, who ſtood up to vindicate the late committee, of which he had been chairman, from thoſe aſperſions which he imagined had been obliquely thrown on it by Lord North. The General expatiated largely upon what had been done by the ſelect committee of laſt year; and contended, that the means now propoſed were inadequate to the purpoſes that inquiry was firſt ſet on foot to effect.—As I am (continued he) the perſon who moved for a ſelect and open committee to inquire into the Eaſt-India company's affairs, I think myſelf in ſome meaſure called upon to riſe on this occaſion, and to acquaint the Houſe, that to-morrow I intend to move the Houſe for its revival. Underſtanding that a motion for a ſecret committee was this day to be made, I naturally conceived, that it was a tacit diſapprobation of, or at leaſt an oblique reflection upon, the mode of proceeding adopted laſt ſeſſion. Now I muſt ſay, and it is but what I owe to my aſſeſſors on that occaſion, that, however unworthy the preſident

might be, the virtue and abilities of the other members were such as conducted the business intrusted to the committee on the most public and disinterested plan. Never was there a body of men who acted with more coolness, deliberation, and attention. And if this committee is intended to supersede it, I cannot help thinking, that it will be attended with more harm than good. I have many objections to a secret committee; but yet I will not vote at all in this case. This is the principle on which I act. It is universally allowed, and indeed it is clearly proved, that the East-India company is rotten to the very core. All is equally unsound; and you cannot lay your finger on a single healthy spot whereon to begin the application of a remedy. In the East the laws of society, the laws of nature, have been enormously violated. Oppression in every shape has ground the faces of the poor defenceless natives; and tyranny in her bloodless form has stalked abroad. The laws of England have been mute and neglected, and nothing was seen but the arbitrary caprice of despotism. Every sanction of civil justice, every maxim of political wisdom, all laws human and divine, have been trampled under foot, and set at nought. At home there has been egregious mismanagement, and variety of roguery. — The evils being so extensive and so multifarious, the most extensive inquiry is wanted. Could therefore a hundred committees be established, they would hardly be equal to the task of investigating the various crimes and misdemeanors, the multiplied evils that lurk in that corrupted body. Why then should I oppose this committee? I will not oppose it; though it seems strange to pass over the enormities of the East, and to institute a minute inquiry into *the petty larcenies of Leadenhall-street*. Let me not, however, be misunderstood, as if accusation, not redress, was my object. My first object, when, unconnected with any party, unbiassed by any motive but humanity and the public duty, I proposed the establishment of the present committee, was the removal of the misfortunes under which Bengal laboured, in doing which I saw how the country would finally be involved. If in the course of the inquiry there should appear any crime, which I think it incumbent upon me, as a member of parliament, to impeach, I am not a man to shrink from my duty.

Lord North. Neither the detection of villany, nor the reward of innocence, is the object of the present inquiry. All that is intended is, to come at a just state of the company's present exigencies, and to grant such relief as may enable the company to surmount their difficulties. The charges of delinquency may be proceeded upon hereafter. — He added, that he had told Gen. Burgoyne, he would not oppose the revival of the select committee, and was resolved to abide by his word.

Gen. Johnstone. The name of a secret committee is rather ominous; yet I shall vote for the question, not from any thing that has been urged in its favour, but because the company's distresses require immediate relief. It was a secret committee at the India-house that brought on this imbarrassment: and a secret committee of parliament may be necessary to heal the breach.

The motion was agreed to without a division; a secret committee of thirteen; balloted for Nov. 28. were, on report, appointed on the 30th; and the select committee of the former session were of new appointed [xxxiv. 633.]; the minutes of whose proceedings are inserted entire in our former volume.

The Commons were often in a committee on the high price of provisions. Mr Onslow, from this committee, reported several resolutions Nov. 27. already inserted [xxxiv. 652.]; on which bills were brought in, which received the royal assent on the 4th, 14th, and 24th of December. [xxxiv. 687, 8.]

Witnesses were examined before them, Dec. 1. chiefly three; the two first in the corn-trade, the last in the excise.

Mr Smith called to the bar.

Grey Cooper, Esq; What may have been the average growth of barley for twenty or thirty years past? —— *Mr Smith.* From 4,500,000 to 4,600,000 quarters annually.

G. C. The consumption in the distillery? —— *S.* From 135,000 quarters to 150,000.

G. C. Is the quantity used in the distillery greater or less than formerly? —— *S.* Less considerably.

Lord North. Would stopping the distillery much affect the price of barley, or materially serve the poor? —— *S.* Neither the one nor the other. Barley might be 6 d. a-quarter cheaper, not a shilling.

G. C.

G. C. The quantity, the quality, and price, of last year's barley? —— *S.* The quality, inferior to the quantity; the price uncertain, — from 27 to 32.

G. C. The hogs maintained by the distillers? —— *S.* Unable to decide; — 10,000. — A member of the House referred to [Sir J. Mawbey].

G. C. Suppose the distillery stopt, the quantity of barley to feed that number of hogs is required? —— *S.* About 30,000 quarters.

G. C. Which is most healthful, wheat or barley bread? —— *S.* Barley-bread has certainly most nourishment; and the disuse of barley-bread among the poor one means of the present dearth.

Speaker. Is or is not a pound of wheat-flour equal to a pound of barley-meal, in point of nourishment? —— *S.* It is; but an acre of land will produce half as much more barley than wheat.

Lord North. Was as much barley sown last year as formerly? —— *S.* Certainly.

Lord North. And as much produced? —— *S.* Nearly, but not so well got in.

Mr Sawbridge. Can barley unfit for the brewery, be used in the distillery —— *S.* Most certainly.

Mr Prescot. Are you conversant in the assize of bread? —— *S.* No.

Mr Th. Forrester called to the bar.

He was asked questions to the same effect, and answered them nearly in the same manner: only he differed in the price of barley, which he said was from 32 s. to 35 s. a-quarter; and in the effect that stopping the distillery would have upon the price, which he rated at 2 s. a-quarter.

Sir Jos. Mawbey being asked in his place as to the number of hogs fattened by the distillers, said, about 30,000.

Mr Cockedge, belonging to the excise, being examined as to the quantity of malt used in the distillery, was not *provided* to say. He was asked other questions, but he was equally *unprovided* to say.

It being the opinion of these witnesses that putting a stop to the distillation from barley would be but a very inconsiderable advantage, either to the brewery, or to the poor, Lord North took occasion to inform the House how materially the revenue would be affected by the prohibition, without a probability of the poor's being substantially benefited by it. The produce of the distillery last year, he said, amounted to upwards of 500,000 l. 50,000 l. of which only arose from the duty on spirits distilled from melasses; the remaining 450,000 l. therefore, he thought, would be a very alarming defalcation of the public revenue, at a time when we have great reason to fear the loss of a sum little short of it, should the affairs of the East India company compel them to with-hold the sum they had stipulated to pay to government.

Dec. 3. Mr Farrer called to the bar.

Gov. Pownall. Your opinion of the cause of the present high price of provisions? *F.* The assize is one cause of the dearness of *bread*, owing to the equivocal signification of the word *household*. Household flour and household bread are opposite terms; the first, meaning the best flour; the last, the worst bread. A second kind of bread therefore cannot be made without loss, and a worse sort the poor will not eat.

Gov. P. If flour is imported from America, can it be mixed with our flour according to the late act? *F.* It cannot. I imported 2000 barrels, and except a small quantity sold at a private sale, was forced to ship it again for other parts.

Gov. P. Would not quantities of flour imported from America be of use to the poor? *F.* While the present assize subsists, none at all.

Gov. P. Were the act of assize altered, would the bakers be enabled to bake second at a profit? *F.* Certainly.

Mr Onslow. Then the poor can receive no benefit from importation till a new act is made? *F.* Not in the least.

Gov. P. Would the flour from America, mixed, make as wholesome bread as all our own? *F.* To the full. Mr F. produced two loaves so mixed, which some members tasted, and approved, which he declared might be made 4 d. in a peck cheaper than that now sold. Ordered to withdraw.

Mr Ch. Smith was ordered to the bar. He was going to enter upon a full explanation of the disadvantages of the late act of assize, but was interrupted by Mr Pownall, who moved for a select committee to inquire particularly into that matter, which was unanimously agreed to.

A report from this select committee was received, Dec. 8.; and on the 10th the whole-house committee examined more witnesses.

Mr Free, a malt-factor.

Mr Hussey. What are the prices of

malt and barley? *Answer.* Malt is from 39 s. 6 d. to 41 s. a-quarter, and barley 28 s. to 32 s. 6 d.

Mr H. Are these extravagant prices owing to deficiency in quantity, or badness of quality? *A.* Chiefly to the latter.

Mr H. What quantity do you think the distillers use? *A.* About 150,000 quarters.

Mr H. What the brewers? *A.* About 500,000 quarters.

Mr H. Supposing the distillery stopt, what difference would that make in the price of barley? *A.* About 4 s. a-quarter.

Mr H. Do you remember the difference it made on the last prohibition? *A.* Not felt the first and second year, but the third it fell 9 or 10 s. a-quarter.

Lord North. Do you recollect what crop we had in 1757? for that was the time the distillers were stopt. *A.* A very indifferent one.

Ld N. Do you recollect what crop we had the third year, when it fell so much? *A.* A very fine one for all sorts of grain.

Ld N. Don't you think the price fell in consequence of that fine season? *A.* I believe it did, my Lord.

Mr Hawkey, a maltster, and malt-factor.

Mr Hussey. What may have been the average-price of barley for some years past? *A.* From 29 to 32 s. a quarter.

Mr H. What is the cause of the present high price of barley? *A.* The crop has been indifferent in quality as well as quantity, and the farmers with-hold a part of it from market.

Mr Calcraft. Is there not much damaged barley that will not malt? *A.* Very little in the counties of Hertford, Essex, and Cambridge.

Mr Hussey. What difference would stopping the distillery make in the price of barley, do you think? *A.* About 4 s. a-quarter.

Mr Charles Smith.

Mr Prefcot examined him; but nothing material more than he gave in evidence on his first examination could be gathered from his studied calculations. He perfisted, however, that stopping the distillery would not lower the price of barley more than a shilling a-quarter.

Mr Scot.

Mr Prefcot. What is your opinion of stopping the distillery? *A.* Either that the distillery must be stopt, or the brewery will stop of course.

Mr P. What difference will stopping the distillery make in the price of barley? *A.* Four or five shillings a-quarter.

Mr P. Should the distillery be stopt, would not the farmers keep back their barley from market, unless they could sell it at the present price? *A.* That would have but little effect.

Mr P. Your reasons for thinking so? *A.* Because barley in the best seasons is in a great measure unfit for malting after the first year; and if brought to market the second year, can only be sold to the millers or the distillers.

Mr P. Is there not a great deal of the present year's crop unfit for malting? *A.* Very little but what may be made use of in the brewery one way or other.

Mr Combrune.

Mr Cooper. What effect do you think that stopping the distillery would have on the price of barley? *A.* Not a penny.

Mr Hussey. That is strange indeed! You are a great calculator, Mr Combrune: by what method of calculation are you led to that opinion? *A.* We have rules drawn from experience that we are governed by. Suppose, for instance, the average-price of barley in a plentiful year to be 15 s. and the average-produce five millions of quarters. In a failing year, if the produce is a tenth less, that is, only 4,500,000 quarters, it will make two tenths or 3 s. a-quarter difference in the price of barley; if the crop is two tenths deficient, or only four millions of quarters, it will make four tenths, or 6 s. a quarter difference in the price: if the produce falls still lower than that, it will, for every tenth short, make eight tenths difference in the price; so that if three millions of quarters only, instead of five millions of quarters, are produced, the price of barley will then be 24 s. a-quarter more than the average-price in a plentiful year, or 39 s. a-quarter, instead of 15 s. And this rule of calculation will hold good whether the distillery be stopt or not. – Mr Combrune's manner of calculation was not clearly understood; and a member said ironically, that as the House was without a rule, he wished Mr Combrune's might be adopted.

Lord North. From the evidence that has been given by the witnesses that have been examined, I hope the House is satisfied of one fact; and that is, that they have offered nothing that can be depended upon. One gentleman tells you, that the

the difference will be four ſhillings, another five, another one, and the laſt tells you not a penny. All theſe accounts are mere conjectures, and uncertain in their very nature. Let us, Sir, be regulated by the experience of facts, and examine what effect the ſtoppage had in the year 1757. The diſtillers, at that time, conſumed double the quantity; and it appears that no material alteration enſued. If then, when the diſtillers uſed double the quantity, no benefit aroſe either to the brewer or the poor, I hope no gentleman can ſuppoſe the leaſt benefit can accrue from half. The revenue will ſuffer a very great loſs; no leſs than 300,000l. allowing the melaſſes to produce 250,000l. which is far from probable. Then, Sir, from theſe facts, which fully prove that no material advantage can poſſibly happen to the poor on the ſtopping the diſtillery, I move, That it is the opinion of this committee, that as the prohibition of diſtilling ſpirits from wheat, wheat-flour, and meal, is continued, that a prohibition from barley would be prejudicial to the revenue, without benefiting the poor.

Mr Onſlow read the motion.

Mr Huſſey. The Noble Lord is certainly more clear in theſe matters than I am; but I wiſh he would withdraw his motion till after the holidays, as we ſhall by that time receive better information. The Noble Lord, even by his own argument, will have a greater revenue than what the melaſſes will produce: for if the diſtillery be ſtopped, the brewers will neceſſarily conſume more malt; and the calculation is, that the quarter of malt uſed by the diſtiller is rated at 3l. that of the brewer at 1l. per quarter: joined to this, ſuppoſe we allow for an additional quantity of hops. However, all this is upon ſuppoſition; but I heartily wiſh the Noble Lord would not come to any reſolution as yet.

Lord North. It plainly appears, from the ſtate of the revenue at the laſt ſtop, that the brewers did not conſume more, at leaſt not of any conſequence, of malt. This motion does not at all interrupt or diſſolve the committee; but I think it neceſſary, after having examined witneſſes two different days, that the people ſhould know what reſolution we are come to, and that the brewers and diſtillers, who are at a ſtand, may know how to proceed. The motion was read; and the committee adjourned to Thurſday next.

[*To be continued.*]

London, Jan. 4. 1773.

A method of raiſing the powers of natural numbers by addition only.

RULE.

TO the firſt ſtep preceding add the *ratio*, and to that ſum add the ſeveral ſteps progreſſively to the power, for new ſteps and a new power.

RATIO 2.

Root.	Firſt ſtep.	Sq. Pow.
*1	1	1
2	3	4
3	5	9
4	7	16
5	9	25
6	11	36
7	13	49
8	15	64
9	17	81
10	19	100
ad infinitum.		

RATIO 6.

Rt.	1ſt ſtep	2d ſtep	Cube pow.
1	1	1	1
*2	6	7	8
3	12	19	27
4	18	37	64
5	24	61	125
6	30	91	216
7	36	127	343
8	42	169	512
9	48	217	729
10	54	271	1000
ad infinitum.			

RATIO 24.

Root	Firſt ſtep	Second ſtep	Third ſtep	Biquadratic power.
1	1	1	1	1
2	13	14	15	16
*3	36	50	65	81
4	60	110	175	256
5	84	194	369	625
6	108	302	671	1296
7	132	434	1105	2401
8	156	590	1695	4096
9	180	770	2465	6561
10	204	974	3439	10000
ad infinitum.				

RATIO 120.

Root	1ſt ſtep	2d ſtep	3d ſtep	4th ſtep	Fifth power.
1	1	1	1	1	1
2	28	29	30	31	32
3	121	150	180	211	243
*4	240	390	570	781	1024
5	360	750	1320	2101	3125
6	480	1230	2550	4651	7776
7	600	1830	4380	9031	16807
8	720	2550	6930	15961	32768
9	840	3390	10320	26281	59049
10	960	4350	14670	40951	100000
ad infinitum.					

Example. Having the fifth power of 6, I want to raiſe the root 7, to the ſame power.

power.—To 480, the firſt ſtep of the root preceding, add the ratio, and you have 600 for the firſt ſtep; to which add 1230, and you have 1830 for the ſecond ſtep; to which add 2550, and you have 4380 for the third ſtep; to which add 4651, and you have 9031 for the fourth ſtep; to which add 7776, and you have 16807, the power required.

The aſteriſks ſhew where the *full ratio* commences. In the ſquare power it is from the firſt root, in the cube from the ſecond, in the biquadratic from the third, in the fifth power from the fourth. Inſtead of the proper ratio, till you arrive at thoſe ſtations you add the following ſums:

Cube		Rat.	Biquad.		Rat.	5th Pow.		Rat.
1	1	6	1	1	Rat.	1	1	
2	5		2	12	24	2	27	
			3	23		3	93	120
						4	119	

The following are the Ratios to the different Powers.

Powers	Ratios
1	1
2	2
3	6
4	24
5	120
6	720
7	5040
8	40320
9	362880

There is another particular in theſe *harmonic* numbers; which is, that ſtriking a line where you will, the addition of all the ſums in the firſt ſtep makes the number of the ſecond ſtep, &c. &c. and the addition of all the ſums in the laſt ſtep makes the power.

Example. All the numbers in the firſt ſtep of the Cubic power added together make 271, the ſum of the ſecond ſtep; and all the ſums of the ſecond ſtep make 1000, the power.

There will be found more uſe and beauty in this method than is at firſt apprehended. I have tables prepared for the preſs, ready calculated, whereby the ſquare root of any number from One to a Million, or the cube root of any number from One to a Thouſand Million, may be found by *inſpection*, and by this method, may be continued *ad infinitum*, without multiplication, diviſion, logarithms, or algebra. —*I am, &c.*

Gent. Mag. GAM. SMETHURST.

Mr URBAN, *Feb.* 1773.

HOW popular ſoever it may have been to declaim upon the fallibility of human reaſon, yet men have not erred ſo much from weakneſs of underſtanding, as from obliquity of the heart. Their paſſions have mixed with their inquiries after knowledge, and have given them a predilection of certain opinions, which their reaſoning powers were afterwards employed to eſtabliſh, and which their pride made them impoſe upon the conſciences of men.

The world ſunk very early into vice; ſcience was loſt, and idolatry was reared up in its place. When literature ſprung up in Greece, the refinements of vain philoſophy aroſe with it; which, like the potent drugs of the Eaſt, intoxicated mankind, and made them frantic, and at laſt ſtupid. When Chriſtianity came to rouſe men out of their deep ſlumber, ſome few awaked fully; but, of thoſe, few were profeſſors of ſcience; *not many wiſe were called*, but the *weak*, the ignorant, *the little children*. Still the gloom of philoſophy hung over the minds of men of ſcience; and when thoſe proud profeſſors were at length invited into the church, they brought with them its preſumption, its vain reaſonings, and its ſubtleties; tinctured alſo with the groſs ſuperſtition of Heatheniſm. Soon after, ignorance, vice, and ſuperſtition, the offſpring of all theſe, aſſumed the name of Chriſtianity, and left ſcarce the trace of valuable ſcience, or of ſimple morals, for Gothic barbariſm to deſtroy: they had already periſhed more effectually. Science might ſtill have penetrated this gloom, and true religion been eſtabliſhed; but a crafty, luxurious, debauched prieſthood, were armed to oppoſe all invaders of the kingdom of darkneſs. The light was hateful. When literature revived, and men began once more to ſearch after knowledge, the phantom Authority roſe up to dictate, in the name of Ariſtotle and the Greek ſchools, what men ſhould conſider as philoſophy, and in the name of the Fathers what they were to believe in religion; and from both, vain diſputatious ſchoolmen were furniſhed with their unmeaning ſubtleties.

But at length many were provoked beyond endurance. The intereſts of ſociety were openly invaded; the happineſs of mankind, as well as the light of truth, was overwhelmed; till reſentment of preſent injury arming men againſt the encroachments,

croachments, and indignation rouſing them againſt the vice and ignorance, of the prieſts, light began to ſpring forth, and true ſcience and true religion dawned again upon the world.

At the time of this dawn our Reformation in England began, and made a progreſs: but ignorance was ſo univerſal then amongſt the clergy, and the bias was ſo ſtrong towards the ſuperſtitions of Rome, that it was thought neceſſary to frame articles of religion and homilies, to ſerve as directories to them who could not direct themſelves; and who it was ſuppoſed, without theſe helps would have proved blind leaders of the people.

It is plain that our great Reformers, although acute and learned, and, for the age they lived in, men of extenſive knowledge, were not free from the ſhackles of authority. Skilled in the ſubtleties of ſchoolmen, tinctured with falſe philoſophy, and deep buried in the voluminous rubbiſh of the fathers, although they did much for truth, were unable to finiſh the work. Two centuries more were neceſſary for men to recover themſelves from their profound trance, for common ſenſe to awaken fully; and even now the eyes of ſome are blinded; and we ſtill contend for articles and opinions which harbour upon them the precious drugs of ages paſt.

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A view of the riſe, progreſs, and preſent ſtate of the Engliſh government in Bengal: including a reply to the miſrepreſentations of Mr Bolts. By Harry Vereliſt, Eſq; late Governor of Bengal. 4to. 12s. *boards.* Nourſe. 1772.

SOlomon ſaid, indeed, a wiſe thing, when he obſerved, that "he that is firſt in his own cauſe, ſeemeth juſt; but his neighbour cometh and ſearcheth him, Prov. xviii. 17."

This celebrated *dictum* was never, perhaps, more remarkably verified than in Mr Bolts's caſe. That malcontent writer publiſhed, about a year ago [xxxiv. 82.], a very alarming invective againſt ſome of the principal ſervants of the Eaſt-India company, eſpecially againſt the gentlemen employed in the adminiſtration of the company's affairs in Bengal; taxing them with the moſt intolerable inſolence of power, accuſing them of the moſt arbitrary acts of oppreſſion, in ſhort, repreſenting the whole tenor of their conduct as tending directly toward the total deſtruction of our Aſiatic trade and dominions. His book was ſpeciouſly written; he talked loudly, too, of his own perſonal injuries; and the public lent an attentive ear to his complaints. The work was generally pronounced *unanſwerable*; and, it muſt be confeſſed, that more regard was paid than was ſtrictly due, to the declamations of a man who might have been ſuſpected to have written under the too powerful influence of his private reſentments, reſentments not eaſily to be ſmothered in the breaſt of an ambitious man, who had found himſelf interrupted in his ſchemes, and checked in his ardent purſuit of thoſe immenſe advantages, by which, as a *trader*, in only ſix years, he had gained not leſs than ninety thouſand pounds!

That there are many things which cry aloud for reformation, in the direction and management of the affairs of this great commercial company, is unqueſtionably true; and it is equally inconteſtable, that the evils which call for redreſs, can by none be pointed out, with that *intelligence* and *certainty*, which may be expected from thoſe, alone, who have been perſonally acquainted with their ſettlements and governments in the Eaſt. But if the men who are thus qualified to give evidence in a matter of ſo much importance to the nation, as well as to the company in particular, are not poſſeſſed, likewiſe, of the ſtricted integrity and honour, how can we ever depend on the information they give us, or place any confidence in thoſe repreſentations which, with the faireſt ſemblance of truth, may be chiefly calculated to promote the ends of crafty ſpeculation, or to gratify the malice of diſappointed ambition, or infatiable avarice?

That this has, in ſome meaſure, been the caſe with reſpect to Mr Bolts, and his celebrated *Conſiderations*, we have but too much reaſon to conclude, from the many deciſive detections which Governor Vereliſt has here made, of that writer's crafty endeavours to miſlead the public, in a great variety of particulars.

Mr Vereliſt's publication is divided into five chapters; and to theſe are added, a voluminous *Appendix*, conſiſting of original papers, ſerving to illuſtrate and corroborate the facts advanced in the preceding chapters; and comprehending a complete detail of the ſelect committee's correſpondence with the court of directors, during Lord Clive's and Mr Vereliſt's government in Bengal; together with extracts of other authentic papers, letters, committee-proceedings, &c. &c.

To the above-mentioned five chapters is prefixed, a large introductory diſcourſe, containing "A Refutation of ſuch Parts of *Conſiderations on India affairs* as are not referred to in any general diviſion of this work:"—and a moſt complete refutation it appears to be, of what the author terms Mr Bolts's *Chaos of Invective*. We here ſee an artful man ſucceſsfully traced through all the intricacies and confuſion in which his declamations are ſtudiouſly involved, with the unworthy view of being thereby the better enabled to pervert the truth, and miſlead the inquiring public; we ſee him, on the moſt unqueſtionable evidence, convicted of the groſſeſt miſrepreſentations even of the moſt notorious facts; we ſee his credit, as a writer, totally annihilated, and his character, as a man, juſtly expoſed to the cenſure of the honeſt, indignant reader.

In the firſt chapter, intitled, *A general view of the affairs of Bengal, from the capture of Calcutta, in* 1757, *to the grant of the Dewanny to the India company, in* 1765, we have an hiſtorical deduction, which entirely demoliſhes Mr Bolts's repreſenta-

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tion of political tranſactions, by proving thoſe acts of the ſelect committee to have flowed from a ſenſe of duty, and knowledge of the public intereſt, which that gentleman has attributed to malignant paſſions, or to yet meaner motives.

Chap. 2. contains an account of the diſorders in the collection of the revenues of Bengal, before they belonged to the company, and of the cauſes which impeded a reformation. This is a very valuable part of the work, and is cloſed by a curious tabular view of the ſtate of Bengal revenues and charges, ſhowing the groſs and nett receipts of the company's land-revenues, and the civil and military charges, from May 1765, at the commencement of Lord Clive's ſecond government, to April 1770.

Chap. 3. relates to the money and coinage of Bengal. We have here a maſterly inveſtigation of a ſubject equally nice and important, with a detection of the errors of former writers, particularly the ingenious author of *Some obſervations* on this ſubject, written for the uſe of the court of directors.

The 4th chapter relates generally to the internal commerce of Bengal; but the principal object of the author's attention is the ſociety eſtabliſhed in 1765, for conducting the trade in ſalt, beetle-nut, and tobacco. And here Mr Bolts is convicted in ſeveral inſtances of diſingenuity and miſrepreſentation.

The contents of the 5th chapter are extremely curious, and will place the abilities of the ingenious writer in a very advantageous light. The deſign of this part of the Governor's performance is, to ſhow the impoſſibility of introducing Engliſh laws into Bengal, and to offer ſome hints with regard to the nature of thoſe regulations which the manners and habits of the natives *may* admit. In the foregoing chapters, the principal objects of government are examined, ſo far as the power and influence of the Engliſh have produced a change; with reſpect to which, it is here juſtly remarked, *en paſſant*, that "the reader who is converſant with the hiſtories of more ſettled ſtates, will not be greatly ſurpriſed if ſome errors ſhould appear; and will judge with *temper* (not with the *aſperity* of a *Bolts*) the conduct of men who, compelled by neceſſity, have acted in a new ſcene, unaided by experience."—Certainly CANDOUR will here make large and liberal allowances.—Our author's general reflections, in reference to the ſubject of this laſt chapter, will not be unacceptable to our intelligent readers:

"If," ſays he, "in G. Britain, where the form of our government has grown up to maturity in the courſe of ſeveral ages; where the power of each magiſtrate has undergone frequent diſcuſſions from the united wiſdom of ſucceſſive generations; where all authority is committed to the hands of men formed by education for their ſeveral ſtations, and where the effect of its exertion may be traced in our hiſtory; if, in a country like this, we are perpetually alarmed with ſuppoſed invaſions of our rights, and frightful pictures of increaſing deſpotiſm are daily held forth to terrify the people, what a portrait might the duſkieſt imagination exhibit of Bengal? By minds open to ſuch impreſſions, little regard will be had to the different manners and habits of a people; to the enterpriſing Mahomedan or Armenian oppoſed to the gentle native of India; to the condition of conquerors living amidſt a timid and ſubmiſſive race, like ſoldiers unreſtrained by diſcipline; of men clamorouſly demanding the protection of laws ill underſtood, and worſe applied, where intereſt and paſſion unite to confound all order, and where lordly traders, impatient of controul, hope to gratify their own ſordid avarice in the general wreck. Such conſiderations will have little weight with many readers, who will eſtimate our conduct in the government of Bengal by the rigid letter of thoſe laws, which the more perfect polity of G. Britain can alone admit. Without examining my own conduct by rules which I do not underſtand, and which were not formed for the ſcene in which I acted, it will fully ſatisfy my ambition, if to the candid and diſpaſſionate I ſhall appear to have purſued the intereſts of my employers, to have reſpected the rights of others, and to have deſerved the character of an honeſt man."

The author now proceeds to his view of this particular branch of his general ſubject, and obſerves, that when Lord Clive (whoſe conduct is occaſionally vindicated, as opportunity offers, throughout the whole of this performance) arrived in Bengal, in 1765, the Engliſh had gradually advanced to that point which rendered a continuance of their former ſyſtem *impoſſible*. A change, therefore, naturally took place; and our au-

thor intimates the neceſſity of our examining the principles on which the ſubſequent change was conducted, by the motives which our ſituation at that time ſuggeſted; and he obſerves, that if we would form a juſt judgement, we muſt attend to the whole affairs of the company, both at home and abroad.

"I have here," ſays he, "given a plain and artleſs narration of our tranſactions; and might now diſmiſs the ſubject, but that, after the experience of more than twenty years, I feel myſelf inſtigated to reſiſt thoſe wild opinions, which probably have ariſen from ignorance of the country. To demonſtrate the impoſſibility of introducing Engliſh laws, or, indeed, any new ſyſtem, will not be difficult. To point out thoſe alterations in government, by which it may be poſſible to connect the welfare of Bengal with the intereſt of G. Britain, is a more arduous taſk. I ſhall attempt the latter part with extreme diffidence and diſtruſt, ſince our own experience is yet very imperfect, and that of other nations can afford little aſſiſtance."

Mr Verelſt proceeds to remark, that even men who are well verſed in hiſtory, do not always imbibe the ſpirit of nations, nor trace the various means by which the minds of a people gradually unfold to civilization, and are moulded for the reception of laws.

"They regard not," ſays he, "the ſlow growth of thoſe opinions, which can alone give effect to limitations of power in the magiſtrate; but would tranſplant in an inſtant a ſyſtem of laws eſtabliſhed in this country by the progreſſive experience of ages, and impoſe it on a diſtant people, whoſe religion, whoſe cuſtoms, whoſe habits of thinking, and manner of life, equally prohibit the attempt.

Theſe are not errors of the vulgar. The philoſopher here only miſtakes. Aſk the peaſant his right to a field: his father enjoyed it before him. Let a clown be ſlightly beaten for a treſpaſs, whom an action at law would have ruined: he underſtands not the trial by jury, or the relation it bears to our government; yet he complains of arbitrary violence, and his cauſe is eſpouſed by his neighbours, as little informed as himſelf.

This ſpirit, this opinion of right, which gives force and effect to our laws, is matured by age, and tranſmitted from father to ſon, like the ſubjects to which it relates. If the northern nations who broke in upon the Roman empire could not reliſh thoſe beauties of art which are the immediate objects of ſenſe, how can a people receive even beneficial proviſions, which have no exiſtence but in the mind, are known but by their effect, and which experience alone can approve? Intricate laws among a rude people may, like refinements in religion, be uſeful to men intruſted with the ſacred depoſit. The more anxious the care of the legiſlator, the more complex the limitations of power, the more occaſions of abuſe will occur. Lawyers, like the prieſts of old, will judge of the duties of men by the intereſts of their own order, and the oppreſſed ſubject will feel the inſtitution a burthen without reaping the ſmalleſt advantage. Even ſuppoſing men of enlightened minds and tried integrity to preſide, their influence will ſcarcely be felt. The dread of the Engliſh name has proved a plentiful ſource of oppreſſion in the hands of private men: ſhall we add a complicated ſyſtem of laws to impoſe on a timid and indolent race? Who will underſtand his rights? Who will apply to our courts for redreſs? Thus to leſſen the powers of government, muſt we fly to anarchy, and render every Engliſh gomaſtah * the interpreter of his own claims? There are ſome notions of juſtice not confined to time and place, derived from the neceſſary intercourſe of men, and common to every clime. Theſe are the foundations of all government, and from ſuch ſimple beginnings muſt our fabrick be reared. To render all rights plain and ſimple, to remove rather the occaſion than means of oppreſſion, and to enforce a prompt adminiſtration of juſtice, according to the primary laws of all nations, can alone be ſafely attempted.

This ſubject deſerves a fuller diſcuſſion: let us therefore deſcend ſomewhat into detail. Perſonal contracts form a conſiderable title in every code; and here different nations approach neareſt to each other. Our law of contracts is greatly borrowed from the Civil law, which has been adopted with ſome little variation by all the other nations of Europe. The commentaries upon the Koran, as far as they regard matters of contract, are, I am told, chiefly derived from the ſame law, eſtabliſhed in the Greek empire, and are received, ſubject to the arbitrary wil

* A Black agent, or factor.

of

of the prince and his officers, where-ever the Mahomedan religion prevails.

The truth is, that there can be little diverſity, where all men have the ſame intention, and expreſs it nearly in the ſame manner. No ſooner do mutual neceſſities beget an exchange of commodities, than the nature of a ſale is perfectly underſtood. If I relinquiſh my horſe, and accept the price, in no quarter of the world can this ſimple tranſaction be miſtaken. So he that receives goods from a merchant without mention of price, tacitly engages to pay their real value in the market. So likewiſe he that employs a perſon to tranſact buſineſs, or perform any work, undertakes to pay him as much as his labour deſerves. Yet even here ſome diverſities will occur in the laws of different ſtates. Not to mention the various cauſes or conſiderations of contracting, every agreement has a relation, not to the parties only, but to all around them; to the government, to the ſtate of commerce, to the police of the country.

Public rights are every where more expoſed than private. The extent of the former renders them leſs ſubject to inſpection, and the officers employed have little intereſt in their defence. In the moſt free countries the magiſtrate is therefore armed with extraordinary powers, and is permitted to vindicate his claim, when a lapſe of time ſeems to have eſtabliſhed the right in another. Where ſhall this privilege end? What ſuperior remedies ſhall the magiſtrate poſſeſs? Into what hands ſhall he follow the property of his debtors? or what tranſactions ſhall he be permitted to unravel?

Again, various degrees of credit prevail in the dealings of different nations, but in none are all engagements *immediately* executed. Upon what mutual undertaking muſt the contract be founded, by what evidence ſupported, before the individual can call upon the magiſtrate for aſſiſtance? When ſhall it be conſidered as his duty to interfere? What proceſs againſt the perſon ſhall the creditor demand? What puniſhment be inflicted to enforce the payment of debts? What unequal contracts ſhall the creditor be admitted to reſcind?

Theſe are queſtions which no general reaſoning can enable us to anſwer, but which the prudent legiſlator muſt determine, with a view to the preſent ſituation and commerce of his ſubjects.

The hungry and neceſſitous will ever commit depredations on property. This is an evil which the public are concerned to repreſs, and encouragement muſt be given to the owner in purſuit, whether the injury be an open and violent, or a ſecret theft. To what caſes ſhall this right extend? By what tranſfer of poſſeſſion ſhall the property be changed? Shall the rule vary, as the thing taken can be more eaſily conveyed or concealed. How ſhall we decide between the intereſt of a fair purchaſer on one hand, and the claim of a meritorious proſecutor of crimes, himſelf equally innocent, equally injured, on the other? Theſe and innumerable like points, muſt finally depend on the ſtate and condition of a nation; and he who is in the ſmalleſt degree converſant with the hiſtory of laws in any country, muſt have obſerved, that they perpetually vary with the varying condition of a people. As well might we tranſplant the full-grown oak to the banks of the Ganges, as dream that any part of a code, matured by the patient labours of ſucceſſive judges and legiſlators in this iſland, can poſſibly coaleſce with the cuſtoms of Bengal."

The ingenious author, purſuing his chain of reaſoning, goes on to inveſtigate the domeſtic relations of private life; and proceeds to obſerve, that different nations diverge, as it were, ſtill farther from the common centre, until climate, religion, and laws conſpiring, have formed creatures ſo diſſimilar to each other, as might tempt one to rank them under different ſpecies. And, as he juſtly adds, as well might we expect that the Hindoo could change his colour, as that ſeveral millions of people ſhould, in an inſtant, renounce thoſe cuſtoms in which they have lived, which habit has confirmed, and which religion has taught them to revere. But, ſays our author, if this *were* accompliſhed, more than half our work would yet remain. They muſt not only renounce old, but aſſume new manners: the man muſt be new created; and this prodigy be effected by unknown laws, repugnant to every thing he had heard, ſeen, or felt.

Our author illuſtrates this reaſoning by an appeal to facts, as well as to the force of habit, and the prejudices derived from cuſtom. For inſtance:

"A plurality of wives," he obſerves, "is admitted throughout the Eaſt. It is a law derived from the climate. "Women in hot climates," ſays the Preſident

Monteſquieu, "are marriageable at eight, nine, or ten years; they are old at twenty: it is therefore extremely natural, that in theſe places, a man, when no law oppoſes, ſhould leave one wife to take another, and that polygamy ſhould be introduced." Our laws, formed in a temperate climate, where the charms of women are better preſerved, where they arrive later at maturity, and their reaſon accompanies their beauty, have adopted the natural equality between the ſexes, and allow but one wife. The children of others are conſidered as baſtards, the relation of parent and child is diſſolved, and they are not permitted to inherit.

A dying father diſtributes his effects. He gives the bulk of his fortune to the ſon of his favourite, making a proper proviſion for all. The happy man enters on the poſſeſſion, and enjoys it for years, with the approbation of all around him. Laws are now diſcovered, by which the marriage of his mother is void, and the teſtament of his father annulled. The poor wretch is dragged before our courts, and committed to a dungeon, until he produces the money which he has innocently ſpent. In vain would he implore their mercy, and deprecate a puniſhment he had never deſerved. The judge might commiſerate, but could not redreſs; for the rules of private property no power can ſuſpend. Thus ſhould we teach the encircling ſpectators to admire our juſtice, and bleſs the hands that had impoſed the yoke! Could we even tear the feelings of nature from their hearts, the gaping creatures would wonder at the violence, without underſtanding the object to be attained.

Marriage is a ſtate connected with the former relation, and inſtituted for the better performance of a parent's duty. It varies, however, in different countries, not only as to forms and ſolemnities, the age of contracting, and the rights of property conveyed, but likewiſe as to the power and dominion of a huſband. —— It is a happineſs to live in thoſe climates which permit a free communication, where that ſex who have moſt charms, embelliſh without corrupting ſociety. This happineſs, however, cannot be the lot of every nation. In climates where marriage is contracted at an early age, before reaſon aſſumes her empire, where the paſſions are quickened by the near approach of the ſun, and morality ſerves only to awaken remorſe, the confinement of women univerſally prevails. "Thoſe," ſays the Preſident Monteſquieu, "who conſider the horrible crimes, the treachery, the black villanies, the poiſonings, the aſſaſſinations, which the liberty of women has produced at Goa, and in the Portugueſe ſettlements in the Indies, where religion permits only one wife,—and who compares them with the innocence and purity of manners of the women of Turky, Perſia, Mogulſtan, China, and Japan,—will clearly ſee, that it is frequently as neceſſary to ſeparate them from the men, when they have but one, as when they have many."

If this account be juſt, and it is ſupported by the relation of travellers, the confinement of women is a law that cannot be changed. Throughout India the practice moſt certainly prevails, and is cloſely connected with the manners and religion of the people. The Hindoo, not leſs than the Mahometan, dreads the expoſal of his women as the worſt diſhonour. Mr Scrafton informs us, "that nothing hurt Suffraz Cawn (a former ſubahdar of Bengal) ſo much, as the diſgrace he put on his richeſt ſubject, Jaggut Seat. Hearing that his ſon was married to a young lady of exquiſite beauty, he inſiſted on a ſight of her. All the father's remonſtrances were in vain. He ſaw her, and ſent her back, poſſibly uninjured. But the very ſeeing her, in a country where women are concealed, was an injury not to be forgiven." —— "Women," ſays Mr Dow, "are ſo ſacred in India, that even the common ſoldiery leave them unmoleſted in the midſt of ſlaughter and devaſtation. The Haram is a ſanctuary againſt all the licentiouſneſs of victory; and ruffians, covered with the blood of a huſband, ſhrink back with confuſion from the ſecret apartments of his wives."

Shall our writs of liberty unlock theſe ſacred receſſes? ſhall no reverence be thought due to the honour of a huſband? or ſhall we diſregard the condition of a wife, incapable of governing herſelf? ſhall our courts of juſtice become the authors of outrage, which the bloody ruffian would fear to commit? Thus, in deſpite of nature, ſhall we diſſolve the ties of domeſtic life, without ſubſtituting any government in their place, and force the ſervant, the child, and the wife, to renounce their dependence, unable to afford them protection."

If the civil rights eſtabliſhed in *our* country

country cannot be adopted by the inhabitants of *Bengal*, to impoſe on them our criminal code would, this writer ſhews, be found yet more impracticable.

" This head of laws," ſays he, " has leſs relation to individuals than to the whole, to the government with its dependencies, to the eſtabliſhed religion, to the domeſtic and foreign intereſts of the ſtate. The natural rights of men muſt be protected in every country; but the means of affording even this protection muſt relate to the habits of the mind; and example would loſe its effect, unleſs experience of benefit kept pace with the puniſhment of crimes. It is difficult to ſpeak with temper of ſubjecting nations to laws which they cannot underſtand; of inflicting puniſhment, where there can be no intention to offend; and of inforcing regulations without an object, becauſe the neceſſities of diſtant people, diſſimilar in ſoil, in climate, in ſituation, in morals, manners, religion, and habits of life, have extorted theſe proviſions from their rulers. To analyſe a ſubject of ſuch extent will be difficult. To contraſt the laws, manners and cuſtoms of two ſeparate nations, will require a knowledge I do not poſſeſs, a labour which I care not to employ. Yet a part of the ſubject may deſerve our attention, and afford both profit and pleaſure for our toil."

He then proceeds to ſhow in what reſpects the adoption of Britiſh laws in Bengal would naturally and ſpeedily operate both to the deſtruction of the people, and the ruin of the government. Not to mention, ſays he, the laws relative to religion and domeſtic policy, not to numerate the long train of felonies created by parliament*, the rigid puniſhment of a very few ſpecies of crimes might deluge the country with blood. He inſtances the general caſe of the female ſex:

" Women in the Eaſt are transferred with little ceremony; and whether they be wives or concubines, the men ſeldom await their conſent. Were our laws of rape and rules of evidence inforced, one half of the males would incur the penalty of death. I mean not to juſtify their practice, but beg leave to ſuggeſt, that the ſword of juſtice, when too deeply ſtained with blood, may prove but an indifferent corrector of the morals of a nation."

He gives another inſtance, in a caſe of forgery; a crime which the amazing extent of public and private credit in G. Britain has induced our legiſlators to puniſh with death:

" Under this law a native of Bengal was condemned in the year 1765. But ſo extravagant did the ſentence appear, where experience had never ſuggeſted the principle, ſuch the diſproportion in their eyes between the puniſhment and crime, that the principal inhabitants of Calcutta expreſſed their aſtoniſhment and alarm in a petition to the governor and council; and upon a proper repreſentation, Radachurd Metre received a pardon."

Theſe, among other inſtances, ſays Mr Verelſt, which might be given, will ſuffice to prove the violent effects of introducing the Engliſh laws. In other particulars (he adds) " their defect will be as conſpicuous as in theſe their exceſs." This aſſertion is evinced by the following remarkable ſtory.

" A Hindoo had been bribed to procure ſome papers belonging to a gentleman who died in the company's ſervice. The ſon caught him in the fact; and, in revenge of his treachery, compelled him to ſwallow a ſpoonful of broth. Ridiculous as the puniſhment may ſeem, it was attended with very ſerious conſequences. No ſooner was his pollution known, than he was degraded from his caſt, loſt all the benefits of ſociety, and was avoided as a leper by his tribe. When a man is thus diſgraced, he is thenceforward obliged to herd with the Hallachores, who can " ſcarcely be called a tribe, being the refuſe of all tribes. Theſe are a ſet of poor unhappy wretches deſtined to miſery from their birth. They perform all the vileſt offices of life, bury the dead, and carry away every thing that is polluted. They are held in ſuch abomination, that, on the Malaber ſide of India, if one of theſe chances to touch a man of a ſuperior tribe, he draws his ſabre, and cuts him down on the ſpot, without any check from his own conſcience, or from the laws of his country." In this miſerable ſituation was the Hindoo, when Lord Clive deſired the Bramins to aſſemble, and conſider, if there could be no remiſſion of an involuntary deviation

* The author remarks, in a note, that not leſs than *one hundred and ſixty* capital felonies are created by acts of parliament. This, however, we conceive to be no other than the natural reſult of a free conſtitution of government.

deviation from their law. After many conſultations, a ſimilar caſe was ſaid to have been diſcovered in the ſacred books; but although the Bramins affected a compliance, the man was never reſtored to his caſt.

Their Mahomedan governors often take advantage of this principle, when they want to extort money; and ſo highly do the Hindoos value their religious purity, that after they have borne the ſevereſt corporal puniſhment rather than diſcover their wealth, a threat of defilement will effect what torture has attempted in vain. Should this ſpecies of oppreſſion be now practiſed in Bengal, what adequate puniſhment could our law inflict for ſo atrocious an injury? or how can we teach the natives to acknowledge our juſtice, when rights dearer to them than life are left wholly unprotected?

Happily for the inhabitants of Bengal, this abſurd and extravagant ſyſtem of tranſplanting Engliſh laws, which have grown from the peculiar neceſſities of a people in the courſe of ſeveral centuries, to a country where the occaſional enacting them never had an exiſtence, is not more ridiculous in ſpeculation, than impoſſible in practice. Independent of the difficulty ariſing from their abhorrence of oaths, and their ignorance of the language in which our laws are conceived, how impoſſible would it be to promulgate them to many millions of people? or how could the magiſtrates obtain a knowledge of tranſactions, when the nation were unacquainted with rules to which the idea of offence muſt relate."

The following reflection does honour to the writer's underſtanding, and the thought is expreſſed with a felicity equal to any thing that we find in the writings of Monteſquieu or Locke.

"He who will conſider how ſmall a portion of what we deem RIGHTS in civil ſociety, are derived from the firſt impreſſions of nature, and that all beyond are mere creatures of law, ſupported by habits of enjoyment on one ſide, of acquieſcence on the other, will readily conceive the violence with which a ſudden change muſt operate on the feelings of mankind. It is well known, that the experiment has already been tried with a nation leſs diſſimilar than the Hindoos to our own, but without ſucceſs. The power of conquerors in Canada could give only a nominal exiſtence to our laws. They were eſtabliſhed indeed by the magiſtrate, yet rejected by the people; and property is now diſtributed according to their former cuſtoms, unſupported by public authority."

Our author concludes this important and entertaining chapter with an excellent diſcuſſion of ſuch regulations as the ſtate and condition of the Bengalians *may* permit. The arrangements which he, with great judgement, (founded on experience), and equal modeſty, propoſes, ſeem to be highly deſerving the ſerious attention of thoſe to whom, under Providence, the fate of a populous and induſtrious nation may be intruſted; and by whoſe prudent regulations the people of Bengal may hereafter become a very uſeful colony to G. Britain.

"If happy in giving peace to millions, ſome enlightened minds ſhould watch with parental care over a growing empire; poſterity may behold with admiration a noble monument of national humanity, and the praiſe of arts, of ſcience, and of arms, ſerve rather to adorn than conſtitute the future character of the Britiſh nation." M.

Dr BEATTIE's *ſentiments of* ROUSSEAU's *writings.* —— *From his* Eſſay on Truth, *edit.* 4. *lately publiſhed.* [xxxiii. 199.]

AS ſeveral perſons, highly reſpectable both for their talents and principles, have deſired to know my reaſons for joining Rouſſeau's name to thoſe of Bacon, Shakeſpeare, Johnſon, and Monteſquieu, I beg leave to take this opportunity of explaining my ſentiments in regard to that celebrated author.

It is becauſe I conſider Rouſſeau as a *moral writer of true genius*, that I mention his name in this place. Senſibility of heart; a talent for extenſive and accurate obſervation; livelineſs and ardor of fancy; and a ſtyle, copious, nervous, and elegant, beyond that of any French writer, — are his diſtinguiſhing characteriſtics. In argument he is not always equally ſucceſsful; for he often miſtakes declamation for proof, and hypotheſis for fact: but his eloquence, when addreſſed to the heart, overpowers with force irreſiſtible. A greater number of important facts relating to the human mind are recorded in his works than in all the books of the ſceptical philoſophers ancient and modern. And he appears in general to be a friend to virtue, to mankind, to natural religion, and ſometimes to Chriſtianity.

Yet

Yet none even of his beſt works are free from abſurdity. His reaſonings on the effects of the ſciences, and on the origin and progreſs of human ſociety, are diffuſe, inaccurate, and often weak; much perverted by theories of his own, as well as by too implicit an admittance of the vague aſſertions of travellers, and of the ſyſtems and doctrines of ſome favourite French philoſophers: and he ſeems, in theſe, and frequently too in his other writings, to conſider animal pleaſure and bodily accompliſhments as the happineſs and perfection of man. His plan of education, though admirable in many parts, is in ſome injudicious and dangerous, and impracticable as a whole. The character of Julia's lover is drawn with a maſterly hand indeed, and well conducted throughout: but the lady has two characters, and thoſe incompatible; —the wife of Wolmar is quite a different perſon from the miſtreſs of St Preux. Wolmar himſelf is an impoſſible charac ter: deſtitute of principle, yet of rigid virtue; deſtitute of feeling, yet capable of tenderneſs and attachment; delicate in his notions of honour, yet not aſhamed to marry a woman whom he knew to be to all intents and purpoſes devoted to another. [xxiii. 31. 528.]

Some of this author's remarks on the ſpirit of Chriſtianity, and on the character of its Divine Founder, are not only excellent, but tranſcendently ſo; and I believe no Chriſtian ever read them without feeling his heart warmed, and his faith confirmed. But what he ſays, — of the abſurdities which he fancies to be contained in the ſacred hiſtory, — of the impropriety of the evidence of miracles, — of the analogy between thoſe of Jeſus Chriſt and the tricks of jugglers, — of the inſignificancy and impertinence of prayer, — of the ſufficiency of human reaſon for diſcovering a complete and comfortable ſcheme of natural religion, — of the diſcouraging nature of the terms of ſalvation offered in the goſpel, — of the meaſure of evidence that ought to accompany divine revelation, (which, as he ſtates it, would be incompatible with man's free agency and moral probation); — what he ſays of theſe, and of ſeveral other theological points of great importance, betrays a degree of ignorance and prejudice, of which, as a philoſopher, as a ſcholar, and as a man, he ſhould have been utterly aſhamed. He appears to be diſtreſſed with his doubts; and yet, without having ever examined whether they be well or ill founded, ſcruples not to exert all his eloquence on purpoſe to infuſe them into others: A conduct which I muſt ever condemn, as illiberal, unjuſt, and cruel. Had Rouſſeau ſtudied the ſcripture, and the writings of rational divines, with as much care, as he ſeems to have employed in reading the books, and liſtening to the converſation, of French infidels, and in attending to the unchriſtian practices and doctrines warranted by ſome eccleſiaſtical eſtabliſhments; I may venture to aſſure him, that his mind would have been much more at eaſe, his works much more valuable, and his memory much dearer to all good men.

Rouſſeau is, in my opinion, a great philoſophical genius; but wild, irregular, and often ſelf-contradictory: diſpoſed, from the faſhion of the times, and from his deſire of being reputed a bold ſpeaker, and free thinker, to adopt the doctrines of infidelity; but of a heart too tender, and an imagination too lively, to permit him to become a thorough-paced infidel. Had he lived in an age leſs addicted to hypotheſis, he might have diſtinguiſhed himſelf as a moral philoſopher of the firſt rank. What pity, that a proper ſenſe of his ſuperiority to his cotemporaries upon the continent could not preſerve him from the contagion of their example! For though now it is the faſhion for every French declaimer to talk of Bacon and Newton, I queſtion, whether in any age ſince the days of Socrates the building of fanciful theories was ſo epidemical as in the preſent. If the men of learning formerly employed their ingenuity in defending the theories of that philoſopher by whoſe name they were ambitious to be diſtinguiſhed, they are now no leſs induſtrious in deviſing and vindicating, each man a theory of his own.

To conclude: The writings of this author, with all their imperfections, may be read by the philoſopher with advantage, as they often direct to the right obſervation and interpretation of nature; and by the Chriſtian without detriment, as the cavils they contain againſt religion are too ſlight and too paradoxical to weaken the faith of any one who is tolerably inſtructed in the principles and evidence of Chriſtianity. To the man of taſte they can never fail to recommend themſelves, by the irreſiſtible charms of the compoſition.

The

The improprieties in Rouſſeau's late conduct appear to me to have ariſen, rather from bodily infirmity, than from moral depravation; and conſequently to render him an object of forbearance, and pity, rather than of perſecution or ridicule. [xxviii. 695. xxix. 443. 537.]

Select works of Mr Abraham Cowley; with a preface and notes by the editor. 2 *vols.* 6 *s. ſewed.* Cadell.

IN that region of the fine arts which lies under the dominion of the eye and the ear, rules and proportions may be aſſigned for compoſition; and, in theſe, a criterion may, in ſome degree, be found for determining the merit of execution. The architect, the painter, and the muſician, may be cenſured for the tranſgreſſion of mathematical truth. In their arts, even Fancy has her precincts; ſhe is under the controul of known rules, and has bounds which ſhe cannot paſs. In works of this nature, therefore, it may not be difficult to aſcertain what we ſhould reject, and what we ſhould preſent for public acceptance and approbation. But who ſhall be the poet's judge? Unlimited by rules, it is not from rules he ſhall receive his ſentence. He is ſubject to no law but the law of Nature, and if he tranſgreſſes that law he will die. The queſtion therefore is, Whether an individual has a right to pronounce that law? whether he may, merely upon the ſtrength of his own judgement, mutilate a poet at his pleaſure, and make him undergo an arbitrary amputation of what he apprehends to be the unſound parts, under the idea of preſerving the reſt? We have no doubt but this mode of republication may be attended with ſome advantages; but the liberty thus taken with the remains of an author is, in our opinion, too violent to be generally indulged, and too dangerous to be ſuffered to grow into common uſage. In the republic of letters, the monuments of the dead ſhould be more ſacred than the manſions of the living; and though in thoſe monuments there may be ſome objects on which the idea of different times has caſt an unſeemly air, yet ought they not, on that account, to be removed. If Cowley has now loſt half of himſelf, a critic in a future century may, with equal right, curtail his remains, till he ſhall have little or nothing left. Upon theſe violent principles of deciſion, ſome other cenſor of the ancient Engliſh poeſy, armed with more dangerous, becauſe worſe, abilities, than the preſent, may, in the courſe of the winter, give us an edition of Spencer, or of ſome other eminent writer of his time, which ſhall contain no more than half, poſſibly than a third part of his works, certainly not more than his own ſagacity ſhall ſet apart for him; while he enjoys even the idea that the reſt are to periſh by his definitive ſentence. In ſhort, whatever may be the abilities of the editor, this arbitrary mode of editing ought not, for the moſt obvious reaſons, to be tolerated in the commonwealth of letters. Let us leave *all* the labours of departed genius to live as long as they can; and let us, with an indulgence which will do us more honour than the *acumen* of criticiſm, ſuffer what *we* may eſteem their leſs perfect productions, to abide under the protection of their better and happier works:

Still green with bays each ancient altar ſtands,
Above the reach of ſacrilegious hands;
To teach vain wits a ſcience little known,
T'admire ſuperior ſenſe, and doubt their own.

The remains of claſſical genius, in *their* re-editing, met with a different fate, and many of them ſuffered from the contrary extreme. Inſtead of being curtailed, they were enlarged with ſpurious additions, by the Greeks of the middle empire, the ſchoolmen, and monaſtics, into whoſe hands they came. This, however, was better than if they had ſuffered in the other degree; for it is always more eaſy to reject than to regain, and Time is ſtill doing juſtice in the ſeparation of thoſe works that bear the ſtamp of their proper character.

Having thus freely delivered our ſentiments on this mode of publication, it is requiſite that we ſhould let the editor plead his own apology, which is found in his preface:

"It would be uſing moſt writers of name very ill, to treat them with that freedom which I have preſumed to take with Mr Cowley. But every thing he wrote, is either ſo good or ſo bad, that, in all reaſon, a ſeparation ſhould be made; leſt the latter, which, unhappily, is the greater part, ſhould, in the end, ſtifle and overlay the former.

The reaſon of this ſtriking difference in the compoſitions of the ſame man, whoſe genius and learning are unqueſtionable, is, that he generally followed the

the taſte of his time, which was the worſt imaginable; and rarely his own, which was naturally excellent; as may be ſeen in the few pieces of his poetry here ſelected from the reſt; and eſpecially in his proſe works, which (except the notes on his *Pindaric Odes*, and *Davideis*) are given entire, and have no common merit.

But the talents by which he is diſtinguiſhed as a polite writer, are the leaſt of his praiſe. There is ſomething in him which pleaſes above his wit, and in ſpite of it. It is that moral air, and tender ſenſibility of mind, which every one perceives and loves in reading Mr Cowley. And this character of his genius, though it be expreſſed, indeed, in his other writings, comes out eſpecially, and takes our attention moſt, in ſome of his *ſmaller poems and eſſays*; which, therefore, it ſeemed to be for the author's credit, and convenience of his readers, to draw near to each other, and place together in one view. I have ſaid, —*for the convenience of his readers:* for though all are capable of being entertained, perhaps inſtructed, by the image of a good mind, when ſet before them; yet few will be at the pains to ſeek that inſtruction or entertainment for themſelves, through the ſcattered works of ſo unequal and voluminous a writer.

To do juſtice to the memory of Mr Cowley, in theſe two reſpects, I mean, in his capacity both of a polite and moral writer, is the ſole end of this publication. Every man of taſte and virtue will read it with pleaſure. There are, indeed, many lines diſperſed through his other poems, which deſerve praiſe. But, on the whole, it is enough if this ſmall collection go down to poſterity: in that caſe, neither they, nor the author, will have any great loſs, though the reſt be forgotten.

Lincoln's Inn, R. HURD."
April 21. 1772.

All that can be ſaid in favour of the liberties Dr Hurd has taken with Mr Cowley's works, is, that he has, in general, ſhewn a proper judgement in his ſelection, and that he does not by any means hold forth this publication as a precedent for others of the like nature. M.

The Ventriloquiſt, continued. [34.]

In conſequence of three memoirs preſented by the author to the royal academy of ſciences at Paris, in which he communicated to them the obſervations that he had collected on the ſubject of ventriloquiſm in general, and thoſe he had made on M. St Gille in particular, that learned body deputed two of its members, M. de Fouchy, and Le Roi, to accompany him to St Germain-en-Laye, in order to verify the facts, and to make their obſervations on the nature and cauſes of this extraordinary faculty. In the courſe of this inquiry, a very ſingular plan was laid, and executed, to put M. St Gille's powers of deception to the trial, by engaging him to exert them in the preſence of a large party, conſiſting of the commiſſaries of the academy, and ſome perſons of the higheſt quality, who were to dine in the open foreſt near St Germain-en-Laye on a particular day. All the members of this party were in the ſecret, except a certain lady, here deſigned by the title of the *Counteſs de B;* who was pitched upon as a proper victim to M. St Gille's deluſive powers, as ſhe knew nothing either of M. St Gille, or of ventriloquiſm; and poſſibly, we ſhould think, for another reaſon, which the Abbé, through politeneſs, ſuppreſſes. She had only been told, in general, that this party was formed in conſequence of a report that an aerial ſpirit had lately eſtabliſhed itſelf in the foreſt of St Germain-en-Laye, and that a grand deputation from the academy of ſciences were to paſs the day there to inquire into the reality of the fact.

M. St Gille, it is not to be doubted, was one of this ſelect party. Previous to his joining the company in the foreſt, he completely deceived even one of the commiſſaries of the academy, who was then walking from them, and whom he accidentally met. Juſt as he was abreaſt of him, prepared and guarded as the academician was againſt a deception of this kind, he verily believed that he heard his aſſociate M. de Fouchy, who was then with the company at above 100 yards diſtance, calling after him to return as expeditiouſly as poſſible. His valet too, after repeating to his maſter the purport of M. de Fouchy's ſuppoſed exclamation, turned about towards the company, and with the greateſt ſimplicity imaginable, bawled out as loud as he could in anſwer to him, "Yes, Sir."

After this promiſing beginning, the party ſat down to dinner; and the aerial ſpirit, who had been previouſly furniſhed with proper anecdotes reſpecting the

company, soon began to address the Countess of B. particularly, in a voice that seemed to be in the air over their heads. Sometimes he spoke to her from the tops of the trees around them, or from the surface of the ground at a pretty large distance; and at other times seemed to speak from a considerable depth under her feet. During the dinner the Genii appeared to be absolutely inexhaustible in the gallantries he addressed to her; though he sometimes said civil things likewise to the Duchess of C. This kind of conversation lasted above two hours; and in fine the Countess was firmly persuaded, as the rest of the company affected to be, that this was the voice of an aerial spirit. Nor would she, as the author affirms, have been undeceived, had not the rest of the company, by their unguarded behaviour, at length excited in her some suspicions. The little plot against her was then owned; and she acknowledged herself to be mortified only in being waked from such a delicious delusion.

Several other instances of M. St Gille's talent are here related. He is not, however, the only ventriloquist now in being. The author, in the course of his inquiries on this subject, was informed, that the Baron de Mengen, a German nobleman, possessed this art in a very high degree. On a proper application lately made to him, that nobleman favoured the author with a particular answer to all the questions proposed to him, and a description of the manner in which the ventriloque deceptions are produced *. We do not comprehend the Baron's explanations; nor, if we did, should we chuse to communicate the *principles of ventriloquism* to the public. For though it is certainly very proper, that it should be universally known that such an art exists, it will readily occur to every one who reflects ever so little upon the matter, that it is not for the interest of society that the attainment of this art should be taught or rendered easy to those who might make it subservient to the purposes of knavery and deception.

We rather wonder that this reflection should not occur to the well-intentioned author of this performance. Independent of the bad purposes to which a talent of this kind might be applied, when directed so as to operate on the superstition and credulity of the multitude, it is easy to figure to one's self the various mischiefs that might be occasioned, in families and neighbourhoods, by a wanton, malicious, or unprincipled ventriloquist; who can not only imitate the voice of any of his neighbours, but can likewise make it seem to come out of any quarter he thinks proper to emit it from. We shall therefore terminate this article by adding only a few observations, tending to explain the nature of this deception, in general. As we cannot afford room for the more diffuse and desultory explications of the author, we shall endeavour briefly to illustrate this matter in our own manner.

It appears clearly from the Baron de Mengen's account of himself, and from the observations made by the author, in his frequent examinations of M. St Gille, that the factitious voice produced by a *ventriloquist* does not (as the etymology of the word imports) proceed from the *belly*, but is formed in the inner parts of the mouth and throat. As to its singular effect, in deceiving even the most intelligent and accurate observers, the following considerations may perhaps throw a degree of light on the subject, sufficient to make what seems marvellous in this *phenomenon* in a great measure disappear; independent, however, of that truly wonderful flexibility and command of the various and complicated organs of speech by which it is produced. This art, ne-

* The Baron has constructed a little puppet or doll, (the lower jaw of which he moves by a particular contrivance), with which he holds a spirited kind of dialogue. In the course of it, the little visago is so impertinent, that at last he thrusts her into his pocket; from whence she seems, to those present, to grumble and complain of her hard treatment. Some time ago, the Baron, who was then at the court of Bareith, being in company with the Prince de Deux-Ponts, and other noblemen, amused them with this scene. An Irish officer, who was then present, was so firmly persuaded that the Baron's doll was a real living animal, previously taught by him to repeat these responses, that he watched his opportunity at the close of the dialogue, and suddenly made an attempt to snatch it from his pocket. The little doll, as if in danger of being suffocated, during the struggle occasioned by this attempt, called out for help, and screamed incessantly from the pocket till the officer desisted. She then became silent; and the Baron was obliged to take her out from thence, to convince him by handling her, that she was a mere piece of wood.

nevertheless,

vertheleſs, according to the author, does not depend on a particular ſtructure or organization of theſe parts, peculiar only to a few individuals; but may be acquired by almoſt any one poſſeſſed of a very ardent deſire to attain it, joined to a very large ſtock of perſeverance.

It is evident, we think, that the judgements we form concerning the ſituation and diſtance of bodies, by means of the ſenſes mutually aſſiſting and correcting each other, are entirely founded on experience. The reiterated impreſſions made by objects on the organs of ſenſe, conſtitute, in time, a large fund of habitual knowledge, which is always at hand: ſo that, for inſtance, the place, or diſtance, or nature, of a viſible or audible object, are immediately, and all together, without any formal train of reaſoning, *ſuggeſted* to the mind on the firſt impreſſion made on the organ. "That ſuch a noiſe (ſays the acute and learned Dr Reid, *Inquiry into the Human Mind, firſt edit. p.* 100.) is in the ſtreet; ſuch another, in the room above me; that this is a knock at my door; that, a perſon walking up ſtairs, is probably learnt by experience.—It is probable, (he adds), that previous to all experience, we ſhould as little know whether a ſound came from the right or left, from above or below, from a great or a ſmall diſtance, as we ſhould know whether it was the ſound of a drum, or a bell, or a cart."—In ſhort, we paſs, in theſe caſes, from the *ſign* to the *thing ſignified* by it immediately, or at leaſt without any intermediate ſteps that are perceptible to ourſelves.

On theſe principles it evidently follows, that if a man, though in the ſame room with another, can, by any peculiar modification of the organs of ſpeech, produce a ſound, which, in faintneſs, tone, body, and in ſhort, every other ſenſible quality, perfectly reſembles a ſound delivered from the roof of an oppoſite houſe; the ear will naturally, without examination, refer it to that ſituation and diſtance; the ſound which the perſon hears being only a *ſign*, which he has from his infancy been conſtantly accuſtomed, by experience, to aſſociate with the idea of a perſon ſpeaking from a houſe-top. It is evident too, that when there is no particular ground of ſuſpicion, any ſmall diſparity between the two ſounds will not be perceptible.

A deception of this kind is practiſed with ſucceſs on the organ and other muſical inſtruments; and we may very aptly refer on this occaſion to many optical deceptions; and more eſpecially to a curious experiment on the *camera obſcura*; where the images of objects received on a piece of white paper, not ſeven inches diſtant from the eye, excite the idea of the real objects themſelves appearing at the diſtance of ſeveral hundred feet. Here the perſpective, claro-obſcura, colouring, &c. being all ſuch as the mind has, by continual experience, been accuſtomed to conſider as the *ſigns* of viſible objects, placed at conſiderable and different diſtances; the ſpectator, ſo far as he truſts to the informations of the eye alone, is as completely deceived, as he is who truſts to his ears alone in the company of M. St Gille.—But there is a further analogy between the two experiments.

The above-mentioned optical deception is corrected or diminiſhed by the ſpectator's knowing that he is looking into a box; by repetitions of the experiment; and by a new habit thereby induced of conſidering the rays of light as really proceeding, or reflected, from the plane of the paper. For the ſame reaſons, in the acouſtic deception, that experience or habit which miſleads a perſon who has ſeldom heard the ventriloquiſt, and is a ſtranger to his powers, at length ſets another perſon right who is acquainted with them, and has been a frequent witneſs of their effects. This was the caſe of the author, with whom the illuſion at length ceaſed, in conſequence of repeated viſits to M. St Gille: ſo that, while others, ignorant of his talent, and poſſeſſed only of their *old* or *habitual* experience with regard to articulate ſounds, conſidered his voice as coming from the top of a tree, or from a deep cellar under ground; the Abbé, well acquainted with the powers of the ventriloquiſt, and having acquired a *new* kind of experience, at once referred it directly to the mouth of the ſpeaker.

According to our promiſe at the beginning of this article, we ſhall add a few particulars relating to the author's *Scaphandre*. A few years ago he invented this *aquatic accoutrement*, or piece of machinery, by means of which a perſon totally ignorant of the art of ſwimming, may plunge boldly into the deepeſt and moſt agitated waters; and there, without any effort or ſkill, keep himſelf in an erect poſition; the water riſing all the

time no higher than the pit of his ſtomach. Here, according to his account, he may at his eaſe eat, drink, write, and charge, preſent, and fire a muſket; turning himſelf round at any time almoſt by a mere act of the will. We paſs over many of the uſes of this apparatus; which is not cumberſome, either in the water or on ſhore, and may be put on or off in leſs than a minute. The Abbé has now brought it to the higheſt degree of perfection, by having lately, after many fruitleſs attempts, diſcovered an expedient, or, in his own words, attained what he calls a *fixed point*, by means of which a perſon may *walk* acroſs the deepeſt rivers, as if he was footing it on a ſolid plane. The Abbé appeals for the truth of theſe aſſertions to many thouſand witneſſes; and in further corroboration of them, has added a letter written by M. Artuo, captain of artillery at Huninguen; who there deſcribes the ſucceſsful trial lately made of one of the author's *Scaphandres* in the Rhine, by a mere novice in the art of ſwimming; who, with this accoutrement, *walked* upright and at his eaſe backwards and forwards in that river, as if *by inchantment*. We ſhall only add, that the author intends immediately to compoſe and publiſh a complete deſcription of every part of the apparatus, to which he means to add an account of the various uſes to which it is applicable. M.

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Leap-year lectures. A collection of diſcourſes delivered on the 29th of February, to a ſelect ſociety. Committed to the preſs becauſe improper for the pulpit. 2 s. *Bladon.* —— This waggiſh lecturer ſcruples not to divert himſelf with ludicrouſly commenting on the following texts: Gen. xxxviii. 23. Deut. xxiii. 1. Ruth iii. 14. Job. xxxi. 1. Prov. xxx. 18. 19. — We need not be ſurpriſed at his making ſo free with the Patriarchs and Wiſe Men of old, ſince even the REVIEWERS are not ſafe from the laſh of his wicked wit. M.

Plays and Poetry.

The Duel. A play, as performed at the theatre-royal in Drury-lane. 1 s. 6 d. *Davies.* —— The fate of this play is known to have been leſs fortunate than was expected; and there may be ſome reaſons for it, not at all injurious to the talents of Mr Obrien. — It is no wonder that *Le Philoſophe ſans le ſavoir* ſhould "draw tears from the brighteſt eyes in France." The point of honour is the firſt principle of a Frenchman; and the perplexity and diſtreſs it occaſions are fine circumſtances for a French play. They are not ſo intereſting to an Engliſh audience; a ſmall part of which only can have any concern in them; and therefore, though there be ſomething truly comic in the character of Lady Margaret; and the ſcene between Melville and his ſon be affecting; yet the play on the whole is not ſuited to the Engliſh ſtage. M.

The Wedding-ring. A comic opera. In two acts. As it is performed at Drury-lane. 1 s. *Becket.* —— The author, Mr Dibdin, acknowledges his obligations to *Il Filoſofo di Campagna*, to Moliere, and to other writers, for ſeveral circumſtances and paſſages of his work. The dialogue has merit. The ſongs are almoſt all of them deſtitute of merit. The muſic is, like all Mr Dibdin's compoſitions, lively, pretty, and pleaſing. M.

The Golden Pippin: An Engliſh burletta, in *three* acts; as it is performed at Covent-garden. By the author of Midas. 1 s. 6 d. *Becket.* —— This gentleman ſeems reſolved to continue the war againſt the poor Heathen gods; we therefore conclude he is a good Chriſtian. He miſtook, however, the humour of an Engliſh audience, when he attempted to make his burletta fill up the place of a play. We wiſh to laugh at theſe extravagancies only as a relief after an attention to ſome objects of importance. This piece is written on the well-known ſtory of the judgement of Paris; and the ſeveral characters of the gods and goddeſſes are very well burleſqued. M.

The Golden Pippin, &c. in *two* acts. 1 s. *Becket.* —— This is the former burletta in its ſtate of humiliation; and, like many a man, the

the better for its misfortune. It now holds its proper place of a farce; and we doubt not but that it will continue, in its turn, to give our good people, both above and below ſtairs, a hearty laugh. M

Comedies of Plautus, tranſlated into familiar blank verſe, by the gentleman who tranſlated the Captives. Vol. 3. & 4. 12 s. ſewed. *Becket and De Hondt.* —— The tranſlation now before us will certainly be acceptable to the Engliſh reader, as Plautus has never appeared entire in our language. The late Mr Thornton, whoſe abilities were in every reſpect equal to a work of this nature, began to introduce Plautus in familiar blank verſe: he publiſhed a tranſlation of ſeven plays in 1767, (viz. *Amphitruo*, *Miles Gloriſus*, *Captivi*, *Trinummus*, *Mercator*, *Aularia*, and *Rudens*; the *Captives* tranſlated by Richard Warner, Eſq; and the *Merchant*, by George Colman, Eſq:), and he intended to have tranſlated the other fourteen, but died ſoon after. Mr Warner has purſued the plan marked out by Meſſ. Colman and Thornton, and preſented the public with a tranſlation of the following plays, viz. *Menæchmi*, *Epidicus*, *Moſtellaria*, *Pſeudolus*, *Stichus*, *Ciſtellaria*, *Curculio*, *Truculentus*, and *Pœnulus*. At the bottom of the page he has ſubjoin'd a conſiderable number of uſeful notes, extracted from M. de L'Oeuvre, Lambinus, Taubmannus, Gronovius, Marolles, Gueudeville, Limiers, &c. To theſe he has added notes of his own, and ſome which were communicated to him by particular friends. C.

The trial of Dramatic genius. To which is added, a collection of miſcellaneous pieces. 2 s. *Goldſmith.* —— The author's deſcription is not entirely deſtitute of poetical merit; but he is extremely deficient both in point of meaſure, and the harmony of cadence. C.

The works of Edmund Waller, Eſq; in verſe and proſe. To which is prefixed, the life of the author, by Percival Stockdale. 3 s. 6 d. — Life alone, 1 s. 6 d. *Davies.* —— Waller had the merit of being the firſt that introduced a ſmoothneſs of verſification, and harmony of cadence, into Engliſh poetry; and he contributed to the refinement of our language, perhaps, more than any author that ever wrote. This edition is elegantly printed; and Mr Stockdale has favoured us with the life of that celebrated poet, drawn up with great care, and interſperſed with many ingenious obſervations. C.

The œconomy of happineſs. 1 s. *Brotherton.* —— This poem is in blank verſe, and contains many juſt and laudable ſentiments reſpecting happineſs, which the author places in the enjoyment of the innocent gratifications of life, and the exerciſe of the moral virtues. C.

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Epigrams of Martial, &c. With mottoes from Horace, &c. Tranſlated, imitated, adapted, and addreſſed to the nobility, clergy, and gentry. With notes, moral, hiſtorical, explanatory, and humourous. By the Rev. Mr Scott, M. A. late of Trinity college, Cambridge. 3 s. 6 d. ſewed. *Wilkie, &c.* —— Never yet, in the courſe of our various reading, did we meet with any performance that could fairly diſpute the palm of ſtupidity with this before us. It was publiſhed Jan. 1. 1773; and in the Public Advertiſer of Jan 8. the Rev. Mr James Scott, late of Trinity college, Cambridge, now rector of Simonburn in Northumberland, diſclaimed his knowing any thing of the work, or its author. C.

The ſentimental ſailor; or, St Preux to Eloiſa. An elegy, in two parts, with notes. 2 s. 6 d. *Dilly.*

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has expreſſed very happily, and the reader who has the leaſt ſenſibility will ſcarcely fail of ſhedding a tear at the melancholy tale. C.

The Patriot. 1 s. 6 d. *Evans.* —— This patriot attempts to figure at tilt and tournament with ſome reſpectable members of the houſe of Commons, who are not the friends of *Wilkes and Liberty*; but, though boiling with rage, he darts his lance with ſo feeble an arm, that it makes not the ſmalleſt impreſſion on the mail of thoſe againſt whom it is maliciouſly directed. C.

EDINBURGH.

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The Tears of HYGEIA: An Elegy.

By J. TAIT.

AS late I ſtray'd beneath the mountain's brow,
Where Contemplation's ſecret haunts appear,
The feeling ſtrains of undiſſembl'd woe,
In ſofteſt notes aſſail'd my liſt'ning ear.

Intent I ſtood to hear the mournful ſound,
My boſom heav'd with Pity's kindred ſigh,
And, as I view'd the lonely ſcenes around,
HEALTH's blooming Goddeſs caught my roving eye.

Sweet was her aſpect, gentle was her mien,
Tho' Sorrow's clouds o'erſpread her youthful face,
A fairer virgin never trod the green,
Or ſtray'd along with ſuch inchanting grace.

"'Tis done," ſhe cry'd — "To grief devote the day;
Let Sorrow pour the ſympathiſing tear;
Let fond Affection raiſe the tender lay,
And form a wreath for GREGORY's *early* bier.

Laſt night he ſmil'd, and bade his friends rejoice;
Laſt night to joy he gave the fleeting hour;
But now, alas! a liteleſs corſe he lies,
The ſad remains of Death's relentleſs pow'r.

Of late I taught him with unrivall'd ſkill
To ſpread at large my bounties o'er the land;
I gave the pow'r, I gave the lib'ral will,
I proſper'd all the labours of his hand.

Of late fair Science fir'd his godlike mind,
And ev'ry virtue in his boſom ſhone,
Thence friendly Pity beam'd with aſpect kind,
There ſweet Benevolence had fix'd her throne.

But now fair Science warms that breaſt no more;
No more that boſom burns with Virtue's flame;
The flattering pomp, the joys of life are o'er,
And nought is left but an illuſtrious name.

Ye poor afflicted, mourn his early fall;
Ye helpleſs orphans, raiſe the plaintive ſtrain;
Weep o'er his grave; for much he lov'd you all,
Supply'd your wants, and oft reliev'd your pain.

Ye ſons of Learning, as ye paſs along,
One friendly tear, one ſigh of ſorrow give;
And ye who ſwell the ſweet inraptur'd ſong,
Record his worth, and bid his virtues live.

To praiſe his worth, the Muſes ſoon ſhall fire
A fav'rite *Miniſtrel**, whoſe exalted lay,
Shall raiſe him high amid the deathleſs choir,
Whoſe fame, whoſe glory, never ſhall decay.

Edinburgh, Feb. 26. 1773.

* *Dr Beattie.* [xxiii. 89.]

VER-

VERSES occaſioned by the death of Dr GREGORY, *late Profeſſor of Phyſic in the univerſity of Edinburgh.*

FAR from the gay, to ſeek the lonely ſhade,
With heaving breaſt the Muſe dejected turns,
Sighs to the wave that murmurs in the glade,
And Iſis echoes what Edina mourns.

O thou ſo greatly lov'd, ſo quickly loſt!
The tear that o'er thy grave unbidden flows,
Prints on the living turf a fairer boaſt,
Than all the fame that ſculptur'd pride beſtows.

Science on thee, her early favourite, ſmil'd;
Lur'd from the mazes of her dark retreat,
And led thee ſwiftly thro' the boundleſs wild,
To thoſe bleſt bow'rs where Wiſdom fixt her ſeat.

And oft thine eye the treaſures would explore,
That Nature pours to ſoothe the ſtings of pain;
And Pæan's ſelf inſpir'd the ſacred lore
That forc'd the praiſe of all thy wondering train.

And oft thy curious ſtep would lightly trace
The flowery margin of the vocal mead,
Where ſport the warbling Muſe and ſprightly Grace,
And ſweep the lyre, and wake the tuneful reed.

Tho' preſſing on to Fame's exalted ſhrine,
The dazzling rays of glory round thee play'd,
Still Modeſty would blend her paths with thine,
Shrink from the glare, and court the milder ſhade.

But poor the praiſe that *reſts* on envied ART,
Could WISDOM's lips alone thy worth proclaim:
Thine was the feeling breaſt, the liberal heart;
And every tongue conſpir'd to bleſs thy name.

Thine was the joy another's joy to ſwell,
From pedant ſtrife indignant far to fly,
With Fancy's beams the gloom of wo diſpel,
And dry the tear that melts in Sorrow's eye.

With her whoſe mental charms her bloom refin'd,
Once was thy lot, the pureſt bliſs below;
And now, in happier holier ties combin'd,
Ye ſhare the joys which only angels know.

Yet the kind father and the common friend,
Thine heirs muſt weep, whom every grace adorns;
Yet with their ſighs the public ſorrows blend,
And Iſis echo what Edina mourns.

A. GREENFIELD.

Coll. Ball. Oxon.

EPILOGUE, Spoken by Mrs Yates, on her firſt appearance on the Edinburgh theatre.

By J. HOOLE.

WHen through each ſcene that moulds the ductile heart,
The Tragic Muſe has prov'd her powerful art;
With her own Shakeſpeare's more than mortal glow,
Has ſtrung the nerves, or taught the tears to flow;
To Nature's ſelf a faithful mirror held,
And oft the growing ſeeds of Vice expell'd;
Bade the ſtern tyrant ſoft contrition feel,
And ſterner murd'rer drop the lifted ſteel;
Or when the patriot lines, with glorious fire,
Warm every pulſe, and every deed inſpire;
When all the drama's force has rais'd the mind
Above the level of debas'd mankind,
The curtain falls—the Muſe, with ſlippant mirth,
Steps forth, and ſtifles Wiſdom in its birth;
Drives every godlike feeling from the breaſt,
And Virtue dies, — the martyr of a jeſt!

Not ſuch my taſk — for other paſſions riſe
In this full heart — If from theſe beauteous eyes
The parting tear your wiſh'd applauſe has ſhown
For fancy'd woes, for ſufferings not our own;
O! if a paſſion but aſſum'd could raiſe
The voice of ſympathy, the voice of praiſe,
What ſhould I now--when Fiction drops her veil,
And crouding thoughts my ſwelling breaſt aſſail?
No more the actreſs now — Can words impart
The ſtrong emotions of a grateful heart?
Tho' flattering hope and ſelf-applauſe deceive
The mind, too prompt its wiſhes to believe,
Yet muſt I think, your patronage confeſt,
I came no buſy, no intruding gueſt:
That 'twas not vanity forbade my fear,
But ſomething whiſper'd oft my welcome here;
Secure, where firſt my happy breath I drew,
To meet that candour ever found in You.

PROLOGUE ſpoken by Mr DIGGES, *when Mr* NICHOLSON STEWART *performed* RICHARD III. *on the theatre royal of Edinburgh, Feb.* 17. *for the humane purpoſe of building a bridge over the river Carron, where many lives have been lately loſt.*

HERE the dread curtain riſe, that brings in ſight
The bold adventurous Quixote of the night,
May I, an humble veteran, appear,
Juſt to announce our generous volunteer?
Oft has his genius cried — "Let fear recede;
By ſoft-eyed Pity's melting look, proceed.
Though Cuſtom mourn her violated laws,
Yet ſtill your purpoſe muſt protect your cauſe:
Let not your young blood freeze with dire deſpair,
But cover well with wig each briſtling hair."
From Carron's winding banks he comes: the ſtream
Flows bright, recorded by dramatic fame;
He, raptur'd, hopes this liberal night may ſave
Some future DOUGLAS from the ſwelling wave.
But I detain your wiſhes in their courſe;
I ſee you pant impatient for — MY HORSE!
I go, accuſe me not of partial dealing,
If I for BRIDGES have a fellow-feeling.

VERSES, compoſed by L—D C——LE, in praiſe of his ſelect ſchool-fellow friends, on leaving Eton.

Curſt be that verſe, how ſmooth ſoe'er it flow,
That tends to make one worthy man my foe.
POPE.

THis plunder, O! indulgent POPE, forgive,
And in thy words my ſentiments receive.
Lives there a man ſo deſtitute of ſhame,
So void of honour, ſuch a ſlave to fame,
As wou'd alike illegal war declare
With Soldier, Poet, Senator, and Player?
Such *Churchill* is; yet, by his ſtrength of ſong,
He leads the paltry multitude along;
For who can hear him touch his deep-ton'd lyre,
And not receive the animating fire?
Far be ſuch ſtrains, and farther be that art,
To pleaſe the bad, or rack the good man's heart.
No pointed ſatire ſhall attaint my lays;
I'll loſe no friends, tho' I acquire no praiſe.
Let others touch the proſtituted lyre,
To ſing the joys of love and gay deſire;
Let others ſeek, induſtrious, to prolong
Their patron's favour, by a well-tim'd ſong:
Not ſo with me; your virtues as they ſhine,
And you, my friends, to paint, the taſk be mine.

In youth, 'tis ſaid, you eaſily may ſcan
Strong ſtamp'd the outlines of the future man.
If this be true, how bright will *St John* ſhine,
Form'd by the hands of all the tuneful Nine?

Say, will *Fitzwilliam* ever want a heart,
Chearful his ready bleſſings to impart?
Will not another's woe his boſom tear,
The widow's tale, the liſping orphan's pray'r?
Who aids the old, who ſoothes the mother's cry?
Who wipes the tear from off the virgin's eye?
Who feeds the blind, and who aſſiſts the lame?
All, all re-echo with *Fitzwilliam*'s name.
You know I hate to flatter; yet in thee,
My friend, no fault, no ſingle ſpeck I ſee.

Not, if alike my former maxim's true,—
Shall e'er ill-nature tinge thy heart, *Buccleugh*.
Shall deep remorſe thy open boſom tear,
Diſdainful anger, or corroding care?
Shall e'er ambition drive away that ſmile,
Diſturb that heart ſo free from ev'ry guile?
Sooner to ſi—te ſhall Temple bend his knee,
And W—kes and Ch—ch—ll pious Chriſtians be.

How will my *Fox* alone, by ſtrength of parts,
Shake the loud ſenate, animate the hearts
Of fearleſs freemen; while all around ſhall ſtand,
Both Peers and Commoners, liſt'ning thy command;
While Tully's ſenſe its weight to thee affords,
His nervous ſweetneſs ſhall adorn thy words!
What praiſe to Pitt, to Townſhend, e'er was due,
In future times, my *Fox*, ſhall wait on you.

Mild as the dew that whitens yonder plain,
Legge ſhines ſereneſt 'midſt our youthful train;
He whom the ſearch of praiſe with rapture moves,
Diſdains the Pedant, tho' the Muſe he loves;
By nature form'd, with modeſty to pleaſe,
And join with wiſdom unaffected eaſe.

Will e'er *Ophaler*, conſciouſly unjuſt,
Revoke his promiſe, or betray his truſt?
What tho', perhaps, with greater zeal he'd hear
The echoing horn, the ſportſman's hearty chear,
Than mighty Homer's elevated ſong,
High as the ſurge, and as the billows ſtrong?
Caſt o'er this fault a friendly veil, you'll find
An open, ſocial, and ingenuous mind.

Witneſs the Naiads, and the guardian powers,
Who ſit ſublime on Henry's lofty tow'rs,
Witneſs if e'er I ſaw that open brow
Sink in deſpair, or ſadden into woe,
Well-natur'd *Staverdale*; O no! 'tis thine
Foremoſt in mirth and ſocial joys to ſhine.
Say will you paſs alone the midnight hour,
Studious the depth of Plato to explore?
To lighter ſtudies ſhall thy ſoul give way,
Nor heed what grave philoſophers may ſay:
The God of Mirth ſhall liſt you in his train,
A chearful votary, enemy to pain.

Nor you, O *Storer*, ſhall unſung remain,
While yet the Muſe inſpires my artleſs ſtrain;
Whether I ſing thee in thy hours of joy,
When ev'ry look beſpeaks thee yet a boy;
Or when no more mirth wantons in thy breaſt,
But all the man ſtands forth in thee confeſt;
In mirth, in ſadneſs, ſing thee how I will,
Senſe and good-nature muſt attend thee ſtill.

THE PROGRESS OF LOVE.

NAture, when ſhe form'd a man,
Gave a ſoul for Love deſign'd:
Love with life at firſt began,
And poſſeſs'd his infant mind.

When upon the breaſt he lay,
Love began to grow within;
With his milk he every day
Suck'd the ſoothing paſſion in.

Firſt a feeble ſpark it glow'd,
Glow'd, and brighter ſtill became:
Beauty fuel ſoon beſtow'd;
Youth increas'd it to a flame.

Till by age and weakneſs worn,
Half extinguiſh'd it ſhall lie:—
Thus was every mortal born,
Once to love, and once to die.

FLORIO.

HISTORICAL AFFAIRS.

TURKY.

"*Conſtantinople, Jan.* 25. A violent ſtorm has lately happened here, which has done much damage, and occaſioned an infinite deal of confuſion. On the night of the 16th, a hard gale came on from the eaſt, (which is the only wind to which the harbour of Conſtantinople lies expoſed), and ſoon increaſed to ſuch a degree of violence, that many of the galleys, ſhips, &c. were drove on ſhore, and ſtove to pieces; others cut their cables, and endeavoured to get thro' the Boſphorus into the Black ſea, but many periſhed in the attempt. Several parts of the ſeraglio which ſtands on the peninſula of Thrace, juſt at the entrance of the port, were blown down, and ſome lives loſt. Some of the works of the Dardanelles have likewiſe ſuffered, and much damage has been done in the Archipelago."

"*London, Feb.* 23. Advices from Smyrna ſay, that the Ruſſian fleet had intercepted and taken eleven ſail of tartans, bound for the Dardanelles with proviſions and live cattle for the uſe of the Turkiſh ſhips off the iſland of Candia, and after diſtributing the neceſſaries among their own ſquadron, had ſunk the veſſels, and forced their crews to ſerve on board their ſhips."

"*Smyrna, Dec.* 23. The 11th inſt. was a day of trouble, conſternation, and affright. Ayves Aga, a perſonal enemy to Cara Oſman Oglou, our Governor, pretended to have received a firman from the Grand Signior, containing an order to ſtrike off the Governor's head privately. In conſequence of this order, he entered this place at two in the morning on the 11th, at the head of 400 men. The Governor, who had learnt his deſign about half an hour before, provided a ſmall number of ſoldiers with ammunition, and in haſte fortified himſelf in his palace. Ayves fired againſt the palace; which was immediately returned, and continued for about ten hours. At length Ayves, deſpairing of being able to ſeize the perſon of Oglou, ſet fire to the houſes near the palace, in hopes of its communicating to the palace: but Oglou not only ſaved the palace, but was happy enough to extinguiſh the fire. — While this was tranſacting, Cara Oſman Oglou, eſcorted by a number of Janiſſaries, retired by the other part of the city to Magneſia; from whence he returned yeſterday in the afternoon, at the head of 3000 men, and has taken poſſeſſion of his government, which has been afreſh confirmed on him by the Grand Signior. The place ſuffered very conſiderably during the ten days that Ayves was in poſſeſſion of it. All the inhabitants, who had retired on board the ſhips, being informed that tranquillity was re-eſtabliſhed, are returning to their houſes."

POLAND.

"*Warſaw, Jan.* 13. The miniſters from the courts of Vienna, Peterſburg, and Berlin, have drawn up a very intereſting plan, which they propoſe to deliver to the *ſenatus conſilium*, which is to meet Feb. 8. Some of the principal articles are as follows. 1. The Emperor and the King of Pruſſia, having amply demonſtrated their reſpective rights to the provinces of Poland which have been ſo long occupied by the republic; and having informed all the powers of Europe thereof, ſeveral of whom have acknowledged the validity of their pretenſions: and, in like manner, the Empreſs of Ruſſia having united with theſe powers, to ſet forth her pretenſions to part of Red Ruſſia, as well as to part of the Ukraine and Lithuania, on account of the great expence of the Ruſſian troops in the reigns of Auguſtus II. and Auguſtus III. and alſo under the preſent reign of King Staniſlaus Auguſtus, which troops were called into Poland by the republic itſelf: in conſequence thereof, the States of the kingdom will declare in the enſuing diet, in the preſence of their King, that the right of the ſaid powers, and their taking poſſeſſion, is founded in juſtice. 2. After the pretenſions of the three powers ſhall have been previouſly approved of in the diet, the frontiers of the kingdom of Poland ſhall be likewiſe regulated and confirmed for ever by the States of the kingdom. 3. In order to make this convention or agreement relative to the frontiers the better known to the inhabitants of Poland, a map ſhall be taken of that country, in which the frontiers of the kingdom of Poland ſhall be very exactly delineated; and the States in diet ſhall acknowledge and confirm them for ever. 4. In order that theſe arrangements may be durable, the ſaid powers will make treaties relative thereto, with the other powers of Europe. 5. As it is well known that the

preceding

preceding conſtitution of Poland occaſioned great prejudice to the kingdom itſelf; that the power of their Kings was limited, and very much diminiſhed; and that diſorders had even been occaſioned thereby in the neighbouring countries; it is propoſed to make ſome conſiderable alterations in the conſtitution, the neceſſity and the legality of which is acknowledged by the States of Poland."

"*Warſaw, Jan.* 6. The Sieur Kicki, Staroſt of Lemberg, being removed from his poſt for refuſing to take the oath of fidelity to the Empreſs-Queen, the King of Poland, to whom he wrote to inform him of the event, ſent him the following anſwer. "I could not read without emotion your letter of the 21ſt inſt. in which you inform me, that a foreign power had ordered you to pay it homage, and that upon your refuſal it deprived you of the ſtaroſty of Lemberg, with the revenues ariſing from it. I am moſt ſenſibly affected to ſee, that a Polander, who had riſen to a conſiderable poſt, ſhould be obliged to quit it, becauſe he would not betray his country in the name of the Supreme Being. My concern is, however, mixed with a particular ſatisfaction, when I conſider that it is you, my old friend, who has given ſuch an admirable example of virtue, conſtancy, and diſintereſtedneſs. The Polanders our cotemporaries, and their poſterity, will find in your conduct a model for their actions, and need not have recourſe to the hiſtories of ancient republics for acts of heroiſm, as incitements to virtue. I ſet the higher value upon your behaviour, becauſe it was not in conſequence of an order iſſued from the throne, but the effect of your own underſtanding and conſcience. The honour you have acquired, and which all ages allow to virtue, is the firſt recompence you deſerve; my gratitude and eſteem have another in reſerve for you."

"*Warſaw, Jan.* 26. Yeſterday the Imperial, Ruſſian, and Pruſſian troops, who were quartered in the contiguous cantonments of this city, were marched into the ſuburbs and environs, where many of them are quartered, and the remainder in the city itſelf. The reaſons of this ſtep are not publicly known; but it is ſuppoſed to be previous to ſome deſigns which each of the three powers may have in view at the approaching diet. The fears of all people here are engaged for the ſafety of the King, whoſe life they apprehend to be in danger, that unfortunate prince being now in a manner a priſoner to the Emperor, whoſe guards encompaſs him."

"*Warſaw, Feb.* 2. We are in daily apprehenſion here of the whole forces belonging to the Poliſh kingdom being diſbanded, as it is impoſſible for the King or the republic to maintain them. They are very clamorous for their pay, and threaten raiſing contributions on the countries if they do not immediately receive it. The conſequences attending ſuch a ſtep muſt be dreadful; and it is apprehended that the three potentates who have divided the kingdom, will in ſecrecy encourage the mutinous ſpirit of the troops, as it will divide them into parties, and afford a pretence of puniſhing them for any outrages they commit."

"*Warſaw, Feb.* 3. The foreign miniſters held a conference yeſterday with the Ruſſian ambaſſador, and in the evening gave in memorials from their reſpective courts to the miniſtry, in which they repreſent, that it is neceſſary the opening of the diet ſhould be the 18th of April, and that it ſhould be cloſed again the 8th of June. This proceeding cauſes many conjectures."

"*From Poland, Jan.* 31. It is aſſerted, that, at the interceſſion of the maritime powers, the court of Berlin has agreed to ſoften its conduct with reſpect to the trade of Dantzick; and that the commerce between that city and Poland ſhall be on the ſame footing as that of Konigſberg with Lithuania."

"*Dantzick, Feb.* 16. His Pruſſian Majeſty has, for a ſmall time, relaxed the ſeverity of the taxes, which he at firſt required of the inhabitants of this once free town. But, notwithſtanding, the number of military he has thrown into it, and the preparations he is making, plainly evince that he looks upon it in the light of a conquered place. By his orders, the three ports of the city are to be each of them fortified, viz. Voorſtat, Alſtat, and Rechſtat. Ships of war are likewiſe building in the docks. He has alſo deprived Dantzick of the right of coining their own money, has diſbanded the city-garriſon, and obliges the inhabitants to maintain a Pruſſian one."

"*Berlin, Feb.* 3. His Pruſſian Majeſty has given orders to make out a complete liſt of all the cities, towns, and villages, in his new acquiſitions in Poland, together with the number of inhabitants in each,

each, their avocations, &c. for the purpoſe of laying them under the reſtriction of a new code of laws, which, it is ſaid, he is now forming himſelf. He has likewiſe given orders for ſtrengthening the fortifications in all places of any conſequence, eſpecially at the Viſtula, which ſeems the chief object of his attention, being a place of much importance."

"*Warſaw, Jan.* 29. They write from Warmia, that beſides the 200,000 florins contribution already demanded by the Pruſſians, they exact 400,000 more, The inhabitants of Poliſh Pruſſia are ordered to tranſport their effects either to Konigſberg or Berlin; and this order is ſaid even to comprehend the inhabitants of the provinces within the Pruſſian line."

"*Warſaw, Jan.* 28. They write from Krakaw, that the Auſtrians have appointed a heavy duty to be paid at the gates of that place on all merchandiſe and proviſions imported into that town."

"*Warſaw, Feb.* 2. The Ruſſian Empreſs has entirely taken poſſeſſion of the following palatinates in the great duchy of Lithuania, viz. Wilna, Braſlow, Poloeſko, Witepſh, and Novogrodeck, and has thrown ſtrong garriſons into all the cities and towns that are capable of receiving them; more particularly at Wilna, which ſhe is fortifying in every part, and by that means will be entire miſtreſs of the navigation on the Wilnia, and Willia; the city of Wilna being ſituated on a confluence of thoſe two rivers."

"*Warſaw, Feb.* 3. Laſt week a Ruſſian courier brought the news, that the Poliſh ſtate-priſoners, who have been detained in Ruſſia, have been ſet at liberty, and that they had already taken the route to their own country." [xxix. 651.]

RUSSIA.

"*Peterſburg, Feb.* 10. A courier has juſt arrived here with a confirmation of the revolt of ſeveral of the Ruſſian troops in the Crimea, eſpecially in the capital of Crim Tartary, where they roſe upon their officers, killed ſeveral, rifled the military cheſt, and then plundered ſeveral of the houſes, moſques, &c. eſpecially the houſes of Tartars and Jews. The troops foremoſt in this mutiny were the Coſſacks, who, after committing many outrages, on pretence of not receiving their pay, ſet out in a body for Little Tartary. The Empreſs has given proper orders for ſubduing theſe revolters."

"*Peterſburg, Feb.* 14. The Empreſs, highly ſenſible of the importance of the Ruſſian Ukraine, has given orders that all the towns of any conſequence ſhall be immediately fortified and garriſoned, eſpecially Kiow, which is ſituated on the river Nieper, or Boriſthenes, and commands the navigation to Oczakow at the river's mouth, which is likewiſe in poſſeſſion of the Ruſſians. The Ukraine (which ſignifys *a frontier*) is bounded on the weſt by the Poliſh Ukraine, by the Don Coſſacks and Belgorod towards the eaſt, Little Tartary and Podolia on the ſouth, and Zernigoff on the north, and will prove of much ſervice to the Empreſs, by commanding the coaſts of the Black ſea through Little Tartary."

"*Peterſburg, Feb.* 15. The Ruſſian miniſtry ſeem of late to make the eſtabliſhment of commerce and trade in every part of the Muſcovite empire their grandeſt point in view, and as ſuch pay the ſtricteſt attention, not only to ſettle new channels of trade, but to revive the old ones. In the time of the Czar Peter the Great, the Calmuck Tartars on the borders of Siberia uſed to trade to Aſtracan, and Tobolſki, the capital of Siberia, with tea, china goods, and great quantities of fine ſalt, receiving leather and iron work in exchange: but the Czar ſeized their ſalt-works, and built forts in their country, which offended them ſo highly, that they never viſited the fair of Tobolſki again. The Empreſs has therefore ordered the reſtrictions to be taken off; and the trade already begins to revive."

"*London, Feb.* 25. They write from Peterſburg, that letters have been received from certain Ruſſian merchants trading to North Tartary, of a late diſcovery having been made of an iſland, ſuppoſed, from various circumſtances, to be the very place from whence America was firſt peopled, that continent being but a little diſtance; and the firſt migration is thought to have been made by large bodies of floating ice; the inhabitants, who live by fiſhing, being ſometimes carried off to ſea thereon even at this day.

SWEDEN.

"*Stockholm, Jan.* 15. Gen. Pechlin preſented a petition to the judges on the 11th, acknowledging his guilt, praying that his proceſs may be ſtopt, and he ſet at liberty. His requeſt was granted the next day, and he took the new oath of allegiance,

allegiance, from the hands of Count de Horn, president of the council of war; who afterwards presented the General to the King, to return thanks to his Majesty for the favour he had granted him."

"*Stockholm, Jan.* 26. Last Sunday being the King of Sweden's birth-day, about one o'clock his Majesty, accompanied by the two Princes, went to the town-house, where the magistrates and burghers were assembled, and gave them a charter, sealed with the great seal, for the privileges granted them on the 12th of September last, as a reward for the zeal they had shewn on occasion of the revolution of Aug. 19. At the same time he distributed gold and silver medals, to be worn by some of the burghers who had distinguished themselves the most on that occasion. He has granted to each of the officers of the guard, who were upon duty on Aug. 19. last, a pension for life of 300 dollars a-year. *L. gaz.*

"*Stockholm, Feb.* 2. Upwards of 300 original letters have been lately found, written by the Grand Chancellor Oxenstierne, while he commanded the Swedish army in Germany, to his brother, who was tutor to Q. Christiana. They are strongly characteristic of that celebrated minister's noble and virtuous sentiments. The senator, Count Scheffer, the possessor of these valuable manuscripts, is going to publish them, and they will no doubt throw a great light on the history of those times."

"*Stockholm, Feb.* 20. The treaties of peace and commerce between the kingdom of Sweden and the Porte, have lately been renewed and strengthened, as also those with Algiers, Tunis, and Tripoli. The Porte capitulates, that the subjects of Sweden shall enjoy the same protection, immunities, and privileges, as the subjects of any other Christian power enjoy, which is in amity with the Porte, in the Ottoman empire. The mutual guarantee-treaty of the year 1739 is also revived, and some additional articles are inserted, for the better security both of the Ottoman empire and the Swedish kingdom."

GERMANY.

"*Vienna, Jan.* 15. The measures taken by government to alleviate the misfortunes occasioned by the dearth in Bohemia, have proved ineffectual, and the depopulation in that country in consequence, is every day greater. The quantity of corn, rice, &c. sent there has been of little use, as other causes have concurred to occasion a scarcity. An unhappy experience of two years has now convinced the court of Vienna of the necessity of taking measures entirely to suppress the third of the statute-work which the peasants are forced to do for their lords; and Prince Furstenburg, castellan of that province, has lately returned to Prague, to notify to the states the above resolution. This will be very disagreeable to the lords, but the government seems determined to make this useful arrangement for the good of the people."

"*Vienna, Feb.* 16. Advices have just been received here from Montgatz in Hungary, of a terrible accident that happened there on the 4th. There are three castles built one above another, the uppermost commanding those beneath, each of them encompassed by a large ditch, and the whole surrounded by a morass, which render Montgatz almost impregnable. By some accident the larger part of the higher castle took fire on the evening of that day, and the flames soon communicating to a small magazine of powder, the best part of the fortification, and about sixteen men, were blown up. The rest of the people in garrison having happily retired to the lower castle on the first notice of a fire, were saved, and providentially no more lives were lost."

UNITED PROVINCES.

From the monthly returns of the cattle which have died of the distemper in the province of Holland only, it appears, that from April 1. 1769 to Sept. 1. 1772, there have died 183,427; and that from that period till the end of last year about 500 have died monthly, on an average. [xxxii. 84.]

"*Hague, Feb.* 12. The politicians here are much puzzled on account of the operations now proceeding by order of their High Mightinesses, which are the more extraordinary by their suddenness and secrecy. A great augmentation of the military is making; they are fortifying and garrisoning the barrier-towns, &c.; a number of the ships of the line in the Texel, are fitting out for sea with the utmost dispatch, and seamen are raising in many of the provinces. The reasons assigned are various: but most persons agree, that the Prussian monarch is feared on the land-side; and that the naval

val operations are intended to act a capital part in the Mediterranean."

"*Amſterdam, Feb.* 17. A letter from Mogador, dated Dec. 31. mentions, that an expreſs was arrived from the Sieur Roſſignol, the Dutch conſul, with the news that the treaty of peace is renewed between the States-General and the Emperor of Morocco."

FRANCE.

"*Paris.* The preſent miniſters of France promote trade and navigation. They are eſtabliſhing ſeveral manufactories; and the merchants have the preference for their goods at all foreign markets. They have within three years eſtabliſhed manufactories for ſtaining of paper, tanning of hides, dreſſing of leather, and others. By getting a great number of the beſt Engliſh workmen in ſeveral towns, they have attained to great perfection, particularly, at Dunkirk, in the leather-trade. They likewiſe have got from Bruſſels an ingenious artiſt, an Engliſhman, well known for his ingenuity in the copperas, oils of vitriol, and aqua-fortis trades. The French have great dependence on him, as he had the management of ſeveral works about London, &c. A large building, deſigned for a manufactory of the above articles, is now carrying on under his direction."

"*Paris, Feb.* 2. We learn from Abbeville a very ſingular piece of intelligence; but it will not appear ſurpriſing to thoſe who are acquainted with the barbarous juriſdictions that are exerciſed within the walls of cloiſters.—A religious, who had been kept in a dungeon in his convent for twenty-two years, owed his releaſe (which is ſcarcely ever effected but by death) to a newly-elected ſuperior, who would not accept the office of ſuperintending the affairs of the community, but on condition that they ſhould releaſe this unfortunate wretch from his confinement. The priſoner, ſince his releaſe, has recounted, that during the time of the well-known inundation that deſolated the valley of Breſle, which continued for ſeveral years, the water filtred through the walls of his dungeon, and came to ſuch a height, that he was obliged to mount on his wretched bed; where he continued to ſtand for full twenty-four hours with the water up to his arm pits, and that the water was never after quite drained off. This was not enough to effect his deliverance from perſons who had baniſhed from their hearts all human feelings; and but for this happy circumſtance in chuſing a humane ſuperior, he muſt, during the remainder of his wretched life, have ſuffered more than is inflicted on the worſt of criminals."

ITALY.

"*Rome, Jan.* 23. It has been declared to the Jeſuits, that their having been hitherto reckoned free from all duties was owing to a miſtake, and that for the future they were to pay them."

SPAIN.

"*Jamaica, Dec.* 22. 1772. Some veſſels lately arrived from the Havanna bring advice, that a diſturbance and riſing of the natives has lately happened in ſeveral parts of the iſland of Cuba, eſpecially on the north part, where they came down in great numbers, and attacked a party of Spaniards who were overlooking a fortification that was building, and put many of them to the ſword, releaſed all the ſlaves, and entirely deſtroyed the fortification."

"*Parma, Jan.* 16. His Catholic Majeſty has at laſt conſented, that the Jeſuits ſhall be reduced to congregations, as the fathers of the oratory are."

"*Paris, Feb.* 12. They write from Cadiz, that the governor of that city has received freſh orders from court to refuſe the entry of all foreign ſhips of war, except thoſe which are damaged, and forced in conſequence to enter the port to be put in repair." [xxxiii. 378. 489.]

BRITISH NORTH AMERICA.

"*Boſton, Jan.* 7. Yeſterday the great and general court or aſſembly of this province met here, when his Excellency the Governor was pleaſed to make the following ſpeech to both houſes, viz.

Gentlemen of the Council, and Gentlemen of the houſe of Repreſentatives,

I Have nothing in ſpecial command from his Majeſty to lay before you at this time; I have general inſtructions to recommend to you at all times ſuch meaſures as may tend to promote that peace and order upon which your own happineſs and proſperity, as well as his Majeſty's ſervice, very much depend. That the government is at preſent in a diſturbed and diſordered ſtate is a truth too evident to be denied. The cauſe of this diſorder appears to me equally evi-

dent. I wiſh I may be able to make it appear ſo to you, for then I may not doubt that you will agree with me in the proper meaſures for the removal of it. I have pleaſed myſelf, for ſeveral years paſt, with hopes that the cauſe would ceaſe of itſelf, and the effect with it; but I am diſappointed; and I may not any longer, conſiſtent with my duty to the King, and my regard to the intereſt of the province, delay communicating my ſentiments to you upon a matter of ſo great importance. I ſhall be explicit, and treat the ſubject without reſerve. I hope you will receive what I have to ſay upon it with candour; and if you ſhall not agree in ſentiments with me, I promiſe you, with candour likewiſe, to receive and conſider what you may offer in anſwer.

When your predeceſſors firſt took poſſeſſion of this plantation or colony, under a grant and charter from the crown of England, it was their ſenſe, and it was the ſenſe of the kingdom, that they were to remain ſubject to the ſupreme authority of parliament. This appears from the charter itſelf, and from other irreſiſtible evidence. This ſupreme authority has, from time to time, been exerciſed by parliament, and ſubmitted to by the colony; and hath been, in the moſt expreſs terms, acknowledged by the legiſlature; and except about the time of the anarchy and confuſion in England which preceded the Reſtoration of King Charles II. I have not diſcovered that it has been called in queſtion, even by private or particular perſons, until within ſeven or eight years laſt paſt. Our provincial or local laws have, in numerous inſtances, had relation to acts of parliament made to reſpect the plantations in general, and this colony in particular; and in our executive courts, both juries and judges have, to all intents and purpoſes, conſidered ſuch acts as part of our rule of law. Such a conſtitution in a plantation, is not peculiar to England, but agrees with the principles of the moſt celebrated writers upon the law of nations, that "when a nation takes poſſeſſion of a diſtant country, and ſettles a colony there, that country, though ſeparated from the principal eſtabliſhment, or mother-country, naturally becomes a part of the ſtate equally with its ancient poſſeſſions."

So much, however, of the ſpirit of liberty breathes through all parts of the Engliſh conſtitution, that although from the nature of government there muſt be one ſupreme authority over the whole, yet this conſtitution will admit of ſubordinate powers, with legiſlative and executive authority, greater or leſs, according to local and other circumſtances. Thus we ſee a variety of corporations formed within the kingdom, with powers to make and execute ſuch by-laws as are for their immediate uſe and benefit, the members of ſuch corporations ſtill remaining ſubject to the general laws of the kingdom. We ſee alſo governments eſtabliſhed in the plantations, which, from their ſeparate and remote ſituation, require more general and extenſive powers of legiſlation within themſelves than thoſe formed within the kingdom, but ſubject nevertheleſs to all ſuch laws of the kingdom as immediately reſpect them, or are deſigned to extend to them; and accordingly we in this province have, from the firſt ſettlement of it, been left to the exerciſe of our legiſlative and executive powers; parliament occaſionally, though rarely, interpoſing, as in its wiſdom has been judged neceſſary.

Under this conſtitution, for more than one hundred years, the laws both of the ſupreme and ſubordinate authority were, in general, duly executed. Offenders againſt them have been brought to condign puniſhment, peace and order have been maintained, and the people of this province have experienced as largely the advantages of government, as, perhaps, any people upon the globe, and they have from time to time, in the moſt public manner, expreſſed their ſenſe of it; and, once in every year, have offered up their united thankſgivings to God, for the enjoyment of theſe privileges; and as often their united prayers for the continuance of them.

At length the conſtitution has been called in queſtion, and the authority of the parliament of Great Britain to make and eſtabliſh laws for the inhabitants of this province, has been by many denied. What was at firſt whiſpered with caution, was ſoon after openly aſſerted in print; and of late a number of inhabitants in ſeveral of the principal towns in the province, have aſſembled together in their reſpective towns, and have aſſumed the name of legal town-meetings; have paſſed reſolves which they have ordered to be placed upon their town-records, and cauſed to be printed and publiſhed in

pamphlets

pamphlets and news-papers. I am ſorry it is thus become impoſſible to conceal what I could wiſh had never been made public. I will not particularize theſe reſolves or votes, and ſhall only obſerve to you in general, that ſome of them deny the ſupreme authority of parliament, and ſo are repugnant to the principles of the conſtitution; and that others ſpeak of this ſupreme authority, of which the King is a conſtituent part, and to every act of which his aſſent is neceſſary, in ſuch terms as have a direct tendency to alienate the affections of the people from their ſovereign, who has ever been moſt tender of their rights, and whoſe perſon, crown, and dignity, we are under every poſſible obligation to defend and ſupport. In conſequence of theſe reſolves, committees of correſpondence are formed in ſeveral of thoſe towns, to maintain the principles upon which they are founded.

I know of no arguments, founded in reaſon, which will be ſufficient to ſupport theſe principles, or to juſtify the meaſures taken in conſequence of them. It has been urged, That the ſole power of making laws is granted by charter to a legiſlature eſtabliſhed in the province, conſiſting of the King by his repreſentative the governor, the council, and the houſe of repreſentatives;—that by this charter there are likewiſe granted, or aſſured, to the inhabitants of the province, all the liberties and immunities of free and natural ſubjects, to all intents, conſtructions, and purpoſes whatſoever, as if they had been born within the realm of England;—that it is part of the liberties of Engliſh ſubjects, which has its foundation in nature, to be governed by laws made by their conſent in perſon, or by their repreſentatives;—that the ſubjects in this province are not, and cannot be repreſented in the parliament of Great Britain, and conſequently the acts of that parliament cannot be binding upon them.

I do not find, Gentlemen, in the charter, ſuch an expreſſion as *ſole* power, or any words which import it. The general court has, by charter, *full* power to make ſuch laws as are not repugnant to the laws of England. A favourable conſtruction has been put upon this clauſe, when it has been allowed to intend ſuch laws of England only as are expreſsly declared to reſpect us. Surely then this is by charter a reſerve of power and authority to parliament to bind us by ſuch laws, at leaſt as are made expreſsly to refer to us, and conſequently is a limitation of the power given to the general court. Nor can it be contended, that by the liberties of free and natural ſubjects, is to be underſtood an exemption from acts of parliament, becauſe not repreſented there; ſeeing it is provided, by the ſame charter, that ſuch acts ſhall be in force; and if they that make the objection to ſuch acts will read the charter with attention, they muſt be convinced, that this grant of liberties and immunities is nothing more than a declaration and aſſurance on the part of the crown, that the place to which their predeceſſors were about to remove, was and would be conſidered as part of the dominions of the crown of England; and therefore that the ſubjects of the crown ſo removing, and thoſe born there, or in their paſſage thither, or in their paſſage from thence, would not become aliens, but would, throughout all parts of the Engliſh dominions, where-ever they might happen to be, as well as within the colony, retain the liberties and immunities of free and natural ſubjects, their removal from, or not being born within the realm notwithſtanding. If the plantations be part of the dominions of the crown, this clauſe in the charter does not confer or reſerve any liberties but what would have been enjoyed without it, and what the inhabitants of every other colony do enjoy where they are without a charter. If the plantations are not the dominions of the crown, will not all that are born here be conſidered as born out of the liegeance of the King of England; and whenever they go into any part of theſe dominions, will they not be deemed aliens to all intents and purpoſes, this grant in the charter notwithſtanding?

They who claim exemption from acts of parliament, by virtue of their rights as Engliſhmen, ſhould conſider, that it is impoſſible the rights of Engliſh ſubjects ſhould be the ſame, in every reſpect, in all parts of the dominions. It is one of their rights, as Engliſh ſubjects, to be governed by laws made by perſons in whoſe election they have, from time to time, a voice:—they remove from the kingdom, where, perhaps, they were in the full exerciſe of this right, to the plantations, where it cannot be exerciſed, or where the exerciſe of it would be of no benefit to them: does it follow, that the government, by their removal from

one part of the dominions to another, loſes its authority over that part to which they remove, and that they are freed from the ſubjection they were under before? or do they expect that government ſhould relinquiſh its authority, becauſe they cannot enjoy this particular right? Will it not rather be ſaid, that, by this their voluntary removal, they have relinquiſhed, for a time at leaſt, one of the rights of an Engliſh ſubject, which they might, if they pleaſed, have continued to enjoy, and may again enjoy, whenſoever they will return to the place where it can be exerciſed?

They who claim exemption as part of their rights by nature, ſhould conſider, that every reſtraint which men are laid under by a ſtate of government, is a privation of part of their natural rights; and of all the different forms of government which exiſt, there can be no two of them in which the departure from natural rights is exactly the ſame. Even in caſe of repreſentation by election, do they not give up part of their natural rights, when they conſent to be repreſented by ſuch perſons as ſhall be choſen by the majority of electors, although their own voices may be for ſome other perſon? And is it not contrary to their natural rights, to be obliged to ſubmit to a repreſentative for ſeven years, or even one year, after they are diſſatisfied with his conduct, although they gave their voices for him when he was elected? This muſt therefore be conſidered as an objection againſt a ſtate of government, rather than againſt any particular form.

If what I have ſaid ſhall not be ſufficient to ſatisfy ſuch as object to the ſupreme authority of parliament over the plantations, there may ſomething further be added to induce them to an acknowledgement of it, which I think will well deſerve their conſideration. I know of no line that can be drawn between the ſupreme authority of parliament and the total independence of the colonies. It is impoſſible there ſhould be two independent legiſlatures in one and the ſame ſtate; for although there may be but one head, the king, yet the two legiſlative bodies will make two governments as diſtinct as the kingdoms of England and Scotland before the union. If we might be ſuffered to be altogether independent of Great Britain, could we have any claim to the protection of that government, of which we are no longer a part? Without this protection, ſhould we not become the prey of one or other of the powers of Europe, ſuch as ſhould firſt ſeize upon us? Is there any thing which we have more reaſon to dread than independence? I hope it will never be our misfortune to know by experience the difference between the liberties of an Engliſh coloniſt, and thoſe of the Spaniſh, French, or Dutch.

If then the ſupremacy of parliament over the whole Britiſh dominions ſhall no longer be denied, it will follow, that the *mere* exerciſe of its authority can be no matter of grievance. If it has been or ſhall be exerciſed in ſuch way and manner as ſhall appear to be grievous, ſtill this cannot be ſufficient grounds for immediately denying or renouncing the authority, or refuſing to ſubmit to it. The acts and doings of authority in the moſt perfect form of government will not always be thought juſt and equitable by all the parts of which it conſiſts; but it is the greateſt abſurdity, to admit the ſeveral parts to be at liberty to obey or diſobey according as the acts of ſuch authority may be approved or diſapproved of by them; for this neceſſarily works a diſſolution of the government. The manner then of obtaining redreſs muſt be by repreſentations, and endeavours, in ſuch ways and forms as the eſtabliſhed rules of the conſtitution preſcribe or allow, in order to make any matters alledged to be grievances appear to be really ſuch. But I conceive it is rather the *mere* exerciſe of this authority which is complained of as a grievance, than any heavy burdens which have been brought upon the people by means of it.

As contentment and order were the happy effects of a conſtitution ſtrengthened by univerſal aſſent and approbation, ſo diſcontent and diſorder are now the deplorable effects of a conſtitution enfeebled by conteſt and oppoſition. Beſides diviſions and animoſities which diſturb the peace of towns and families, the law in ſome important caſes cannot have its courſe; — offenders, ordered by advice of his Majeſty's council to be proſecuted, eſcape with impunity, and are ſupported and encouraged to go on offending; — the authority of government is brought into contempt, and there are but ſmall remains of that ſubordination which was once very conſpicuous in this colony, and which is eſſential to a well-regulated ſtate.

When

When the bands of government are thus weakened, it certainly behoves thoſe with whom the powers of government are intruſted, to omit nothing which may tend to ſtrengthen them.

I have diſcloſed my ſentiments to you without reſerve. Let me intreat you to conſider them calmly, and not to be too ſudden in your determination. If my principles of government are right, let us adhere to them. With the ſame principles our anceſtors were eaſy and happy for a long courſe of years together, and I know of no reaſon to doubt of your being equally eaſy and happy. The people, influenced by you, will forſake their unconſtitutional principles, and deſiſt from their irregularities, which are the conſequence of them: they will be convinced, that every thing which is valuable to them depends upon their connection with their parent-ſtate; that this connection cannot be continued in any other way than ſuch as will alſo continue their dependence upon the ſupreme authority of the Britiſh dominions; and that, notwithſtanding this dependence, they will enjoy as great a proportion of thoſe rights to which they have a claim by nature, or as Engliſhmen, as can be enjoyed by a plantation or colony.

If I am wrong in my principles of government, or in the inferences which I have drawn from them, I wiſh to be convinced of my error. Independence I may not allow myſelf to think that you can poſſibly have in contemplation. If you can conceive of any other conſtitutional dependence than what I have mentioned, if you are of opinion that upon any other principles our connection with the ſtate from which we ſprang can be continued, communicate your ſentiments to me with the ſame freedom and unreſervedneſs as I have communicated mine to you.

I have no deſire, Gentlemen, by any thing I have ſaid, to preclude you from ſeeking relief, in a conſtitutional way, in any caſes in which you have heretofore or may hereafter ſuppoſe that you are aggrieved; and although I ſhould not concur with you in ſentiment, I will, notwithſtanding, do nothing to leſſon the weight which your repreſentations may deſerve. I have laid before you what I think are the principles of your conſtitution: if you do not agree with me, I wiſh to know your objections; they may be convincing to me, or I may be able to ſatisfy you of the inſufficiency of them: in either caſe, I hope, we ſhall put an end to thoſe irregularities, which ever will be the portion of a government where the ſupreme authority is controverted, and introduce that tranquillity which ſeems to have taken place in moſt of the colonies upon the continent.

The ordinary buſineſs of the ſeſſion I will not now particularly point out to you. To the enacting of any new laws which may be neceſſary for the more equal and effectual diſtribution of juſtice, or for giving further encouragement to our merchandiſe, fiſhery, and agriculture, which, through the divine favour, are already in a very flouriſhing ſtate, or for promoting any meaſures which may conduce to the general good of the province, I will readily give my aſſent and concurrence. T. HUTCHINSON.

Council-chamber, Jan. 6. 1773."

[Your readers ought to be informed, (ſays the gentleman who ſent the preceding ſpeech to be inſerted in the London Chronicle), that Mr Hutchinſon is a native of that country; that his anceſtors were among the firſt ſettlers there; that he has been poſſeſſed of the greateſt number of their archives, has wrote the hiſtory of the colony of Maſſachuſets-bay, and is well known to underſtand the conſtitution of it the beſt of any man in the province.]

In the votes and proceedings of the freeholders and other inhabitants of Boſton in New England, in a town-meeting aſſembled according to law, Nov. 20. 1772, are the following words. "We have yet ſome ſhare of public virtue remaining: we are not afraid of poverty, but diſdain ſlavery.—The fate of nations is ſo precarious, and revolutions in ſtates ſo often take place at an unexpected moment, *when the hand of power, by fraud or flattery, has ſecured every avenue of retreat, and the minds of the ſubject debaſed to its purpoſe*, that it becomes every well-wiſher to his country to keep an eagle eye on every innovation and ſtretch of power in thoſe that have the rule over us. A recent inſtance of this we have in the late revolution in Sweden, by which the prince, once ſubject to the laws of the ſtate, has been able of a ſudden to declare himſelf an abſolute monarch. The Swedes were once a free, martial, and valiant people. Their minds are now ſo debaſed, that even they rejoice at being

ing ſubject to the caprice and arbitrary power of a tyrant, and kiſs their chains. It makes us ſhudder to think, the late meaſures of adminiſtration may be productive of the like cataſtrophe, which Heaven forbid."

"*Charleſtown, South Carolina, Jan.* 11. On Wedneſday the members of the houſe of aſſembly of this province, unanimouſly made choice of Rawlin Lowndes, Eſq; to be their Speaker; and being preſented to the Governor, was diſapproved of by his Excellency, who directed them to chuſe another. On Friday they acquainted his Excellency, that they could not proceed to the choice of another. On Saturday the Governor prorogued them to the 15th of February.—*Jan.* 18. On Tueſday he diſſolved the general aſſembly by proclamation. On Thurſday new writs were iſſued for electing new members, who are ſummoned to meet Feb. 23.

England.

On the 5th of February the Lord Mayor, Aldermen, and Commons, of London, waited on the King at St James's; and being introduced by the E. of Hertford, Lord Chamberlain, John Glynn, Eſq; the Recorder, made their compliments in the following addreſs.

Moſt Gracious Sovereign,

YOur Majeſty's loyal ſubjects, the Lord Mayor, Aldermen, and Commons, of the city of London, in common council aſſembled, approach your Majeſty with their congratulations on the happy delivery of their moſt amiable Queen, and the birth of another prince. [53.]

Your faithful citizens of London, ever zealous for your Majeſty's happineſs, and the true honour and proſperity of your reign, will continue to rejoice in every event which adds to your Majeſty's domeſtic felicity: And they hope, that every branch of the Auguſt Houſe of Bruniwick will add further ſecurity to thoſe ſacred laws and liberties, which their anceſtors would not ſuffer to be violated with impunity; and which, in conſequence of the glorious and neceſſary Revolution, that Illuſtrious Houſe was called forth to protect and defend.

To which addreſs his Majeſty returned the following anſwer.—"I thank you for this dutiful addreſs, and your congratulations on the happy delivery of the Queen, and the birth of another prince. The religion, laws, and liberties of my people, have always been, and ever ſhall be, the conſtant objects of my care and attention."

They all had the honour to kiſs the King's hand; after which his Majeſty conferred the honour of Knighthood on Thomas Hallifax, Eſq; Alderman, and Watkin Lewes, Eſq; Alderman, and one of the Sheriffs.

At a court of Aldermen held at Guildhall, London, Feb. 16. eighteen Aldermen preſent, the Lord Mayor recommended it ſtrongly to the court to come to ſome reſolution, as a body, which ſhould declare their ſentiments concerning ſhort parliaments, which he had the pleaſure to know moſt of them entertained, and had expreſſed individually. He repreſented to them how honourable ſuch a meaſure would be to themſelves, and how beneficial it might poſſibly prove to the public; and he enforced this his recommendation by every argument that was likely to affect each of them as private men, and all of them as citizens. Mr Sheriff Oliver applauded this ſtep, and made the following motion, viz. "That it is the opinion of this court, that a frequent appeal to the conſtituent part of the people, by ſhort parliaments, is their undoubted right, and the only means by which they can enjoy or maintain their rights of a real repreſentation." Mr Wilkes, and he only, ſpoke againſt the motion, as an old worn-out ſubject. The motion being read, and the queſtion being put by the Lord Mayor, and the negative being alſo put, he declared the motion to be carried *unanimouſly*. But Mr Wilkes objecting to its being recorded *unanimouſly*, the Lord Mayor put the queſtion a ſecond time; when it was carried as before *unanimouſly*, Mr Wilkes not holding up his hand againſt it.

At a full meeting of the Sçavoir-vivre club, London, Feb. 8. it was reſolved, that the following premiums be aſſigned at the firſt meeting of that club in March 1774, and every ſucceeding year at the ſame time and in like manner.—1. A gold medal and a bank-note of 100l. Sterling for the beſt poem publiſhed during the courſe of the preceding year. 2. A gold medal and a bank-note of 100l. for the beſt picture in oil-colours, painted and publicly exhibited within the preceding year. 3. A gold medal and bank-note of 100l. for the beſt piece of ſtone or marble ſculpture (the work of the preceding year) in ſtatuary or relief. 4. A ſmall gold medal and bank-note of 30l. for

for the beſt engraving on copper, finiſhed in the preceding year, and from which impreſſions for public ſale ſhall have been taken. 5. A ſmall gold medal and banknote of 50l. for the beſt muſical compoſition of the preceding year, performed on any public theatre within the city of London or liberties of Weſtminſter. The larger medal not to exceed the value of 5l. in gold, nor the leſſer medal the value of 2l. 10s.

By an advertiſement, dated, *Thatch-houſe Tavern, Jan.* 27. 1773, a committee for the diſcharge and relief of perſons confined in priſon for ſmall debts give a liſt of benefactions received, amounting in all to 1565l. 11s. 10d.; of which paid out for relief of ſuch priſoners 1390l. 4s. 11d.; balance in hand 175l. 6s. 11d.; and the following note is ſubjoined. "N. B. In the infancy of this charity, the committee, hardly ſanguine enough to expect ſo liberal an encouragement, did not take an accurate account of the wives and families of the priſoners releaſed. However, from a review of their books, there now appears to have been 535 perſons diſcharged, together with 145 wives, and 1496 children, amounting in all to 2276 ſouls, relieved by means of the public humanity."

An ingenious chymiſt on the continent has lately diſcovered a very cheap and elegant method of dying a moſt beautiful ſcarlet, which has, by the means of Lord Hertford, been procured for the ſociety of arts, &c.; and the members of that ſociety, Feb. 3. voted their thanks to that nobleman, and Lord Newnham, who brought an account of the proceſs to England.

SCOTLAND.

In the end of December, a dry dock at Leith, built by John Syme and Son ſhip-builders, was finiſhed, and a ſhip of about 400 tons burthen taken into it. It is 120 feet long, 55 feet wide in the middle, and 32 feet wide at the gates; and it is ſaid to be as complete and commodious a dock for careening ſhips, as any in Britain.

On Wedneſday morning, Jan. 20. a dreadful hurricane, accompanied with a little rain, did a great deal of damage in ſeveral places of Scotland, being the greateſt that has been felt ſince the high wind in January 1739 [i. 40.]. At Edinburgh, it began about two o'clock, and increaſed gradually till after five. A great many roofs, chimney-heads, &c. were damaged. About half an hour after four, a ſtack of chimneys on an old houſe at the foot of Gosford's cloſe, Lawn-market, poſſeſſed by Mr Hugh Moſman writer, was blown down; and breaking through the roof in that part of the houſe where he and his ſpouſe lay, they both periſhed in the ruins; but their children were providentially ſaved. In the ſtory below, Miſs Mally Rig, ſiſter to Mr Rig of Morton, alſo periſhed. A whole range of the ſtone baluſtrade on the new bridge was thrown down to the foot-pavement in a regular order, though moſt of the ſtones were broke.

In conſequence of the above calamity, the magiſtrates of Edinburgh publiſhed a proclamation the ſame day, ordaining all the inhabitants whoſe chimney-tops ſuffered by the violence of the hurricane, immediately to repair them, to prevent danger to paſſengers; and alſo ordering all thoſe who have chimneys built with bricks, to take them down, and build them up with ſtone.

The above ſtorm was very ſevere at Greenock, where ſeveral ſhips were driven aſhore and bulged, and ſome lives loſt. At Glaſgow, many chimney-heads were beat down, the ſpires carried off from ſome of the ſteeples, trees torn up by the roots, ſeveral houſes unrooſed, and others entirely blown down. Great quantities of trouts and perches were forced out of the lochs in the Mearns, ſeveral horſe-loads of which were carried home by the people in the neighbourhood.

At Aberdeen, one corner of the chapel of eaſe was blown down; as was alſo part of the lead on the common hall of the college of Old Aberdeen. Several ſheets of the roof of the church, the thickeſt lead about the college, were diſplaced, and ſunk down about thirteen inches. The roof of a new houſe in Foot-Dee was blown down, and carried with it the front and back walls of the building. A boat that had been laid up on the beach, with the keel upwards, after being ſet upon its bottom by the wind, was whirled round with ſurpriſing velocity for ſome time, and then lifted up, and blown over a high ſtack of deals, and daſhed in pieces.

At Montroſe, there was ſcarce a houſe but ſuffered more or leſs, ſeveral were blown down, and many roofs and chimney-tops carried off.

At

At Elgin, the walls of an old Popiſh chapel, called *Hoſpon-Dieu*, which ſtood for many centuries at the eaſt end of the town, was entirely blown down; and a ſtable belonging to a horſe-hirer was thrown down, and the horſes were buried in the ruins.

In many parts of the country, trees were torn up by the roots, houſes blown down, ſtacks of corn carried away, and ſcattered through the fields, to the great loſs of many honeſt farmers. A farmer in Buchan had his whole corn and bear (except a very few ſheaves) blown into the ſea, and was obliged to ſell off a great part of his live ſtock, in order to procure ſubſiſtence for the reſt.

As a prelude to the above ſtorm, it was obſerved by ſeveral gentlemen, that, on Monday the 18th, the mercury in the barometer had fallen 4 10ths below 28 inches, which is lower than it has been obſerved ſince the great earthquake at Liſbon, Nov. 1. 1755 [xvii. 554, 84.]. After this ſudden and unuſual change, naturaliſts are of opinion, that Scotland has ſuffered but moderately, in compariſon of the diſmal accounts they have reaſon to expect from ſome other quarters of the globe.

On a ſurmiſe of inſufficiency in the Edinburgh bridge, lately finiſhed, a proper jury was appointed to inſpect it; whoſe report appeared in the papers of Feb. 1. viz. "The walls and arches of both abutments of the new bridge (excepting the retaining walls of the ſouth end, which are of no other uſe but to keep up the earth, and the retaining wall at the north, and next the theatre) were taken down, and rebuilt in a moſt proper and ſubſtantial manner. — Theſe retaining walls on the ſouth end, and eaſt retaining wall on the north end, were not taken down; *becauſe* the inſpectors, upon oath, reported them to be then ſufficient. But the magiſtrates and town-council gave the greateſt attention to this matter, for the ſafety of the public; and upon a ſurmiſe that the eaſt retaining wall on the ſouth end next Halkerſton's wynd appeared now to be *inſufficient*, the Lord Provoſt inſtantly wrote a letter to the Dean of Guild, deſiring him to inſpect that wall; which was done. And upon a petition in name of the procurator-fiſcal, the Guild-court appointed a jury of fifteen unexceptionable perſons, narrowly to inſpect thoſe three retaining walls; and they have unanimouſly, upon oath, returned a verdict, giving it as their opinion, "with reſpect to the eaſt retaining wall on the ſouth end next Halkerſton's wynd, from the ſmall arches to the corner of William Home's houſe, that the ſaid wall is inſufficient and dangerous." The Dean of Guild has cauſed rail in that part found inſufficient, that the public may know the ſame, and take the middle or weſt ſide of the bridge, oppoſite to the railing, when paſſing or repaſſing, till ſuch time as this retaining wall, which has no connection with the body of the bridge, be made ſufficient."

Mr and Mrs Yates, from the London theatres, the latter of whom is ſaid to be among the moſt eminent of the profeſſion, arrived at Edinburgh, Jan. 6.; having been engaged to perform on the Edinburgh theatre, for the remainder of the ſeaſon, at *the moderate ſum* of ſeven hundred guineas; and they have appeared frequently in different characters, and given general ſatisfaction. [44. 91.]

Richard III. was acted on Wedneſday Feb. 17. for the humane purpoſe of building a bridge over the river Carron, where many lives have been loſt. Each ticket was 5s. whether box, pit, or galleries. To promote this charity, Mr Nicholſon Stewart, a country-gentleman, performed the part of Richard III. as was previouſly advertiſed, and was received with applauſe. His action was allowed to be juſt, but his voice was too weak for a public theatre. There was a polite and crouded audience. [91.]

A maſked ball, an entertainment little known in this part of the kingdom, was given by Sir Alexander Macdonald and his lady, Jan. 15. at their houſe in Edinburgh. The company, conſiſting of about ſeventy perſons of quality and diſtinction, aſſembled about ſeven, and were all diſmiſſed by three next morning.

John Watſon, ſon of Alexander Watſon grieve to Sir James Nicholſon of Glenbervy, indicted for entering the manſe of Mr James Beattie miniſter at Marytown, Forfarſhire, in the night between the 11th and 12th of June laſt, and taking thence ſundry articles; and for entering, in the morning of the 19th of that month, into Mr Forreſt's houſe of Weſt-Grange, near Edinburgh, and ſtealing thence alſo ſundry articles, was tried before the high court of juſticiary, at Edinburgh, Feb. 8. The evidence was ſummed up for the crown by the Solicitor-General, and on the part of the pan-

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nel by Mr Grant. The jury returned their verdict next day, finding all in one voice the pannel guilty of the crimes libelled; on which he was ſentenced to be hanged, in the Graſs-market, on the 24th of March.

On Friday morning, Jan. 8. came on, before the high court of juſticiary, at Edinburgh, the trial of Alexander Murdiſon, tenant in Ormiſton, *alias* Wormiſton, in the county of Peebles, and John Miller his ſhepherd, indicted for ſheep-ſtealing, or the receiving and keeping ſheep, or expoſing them to ſale, knowing them to be ſtolen. The proof on both ſides continued till five o'clock afternoon of the 9th; when the Lord Advocate ſummed up the evidence on behalf of the crown, and Meſſ. Croſbie and Rae on the part of the pannels. The jury inclоſed about eleven, and diſmiſſed at five o'clock next morning, being Sunday the 10th. On Monday they returned the following verdict.

"They, by a great plurality of voices, find the following articles of the indictment proven againſt the ſaid pannel Alexander Murdiſon, viz. In ſo far as regards eight ewes of the eleven ewes, and the tup-hog, the property of William Gibſon tenant in Newby, in the county of Peebles, and one ewe, the property of James Hyſlop, herd to the ſaid William Gibſon, which were found on the farm of Ormiſton *alias* Wormiſton; as alſo, in regard to twenty ewes, part of twenty-one ewes, the property of Thomas Gibſon tenant in Grieſton, in the county foreſaid, found on the pannel's farm aforeſaid; and all in one voice find the following articles of the indictment proven againſt the ſaid Alexander Murdiſon, viz. In ſo far as regards the fifteen hogs, the property of Robert Horſeburgh tenant in Colquhair, in the county aforeſaid, and thirteen hogs, the property of the above-mentioned William Gibſon, ſold by the ſaid Alexander Murdiſon to John Bertram tenant in Weſt-hope, in the county of Haddington, and found on the ſaid farm of Weſt-hope; and alſo, in ſo far as regards the ſixteen ewes and four hogs, the property of Walter Simpſon tenant in Haſt Dawick, in the county of Peebles, and found on the farm of the ſaid pannel; and all in one voice find the indictment proven againſt John Miller the other pannel, in ſo far as regards the ten ewes and lambs, the property of George Cranſton of Dewar, and eleven ewes and lambs, the property of David Tweedie tenant in Ladyſide, in the county of Edinburgh."

After this verdict was read, and recorded, Jan. 11. the counſel for the pannels wiſhing to be heard on the import of it, the court appointed firſt the 15th for their being heard, and afterward the 25th; when counſel for both parties were heard, and informations ordered on the debate.

On adviſing theſe informations, Feb. 15. the court repelled the objections, and pronounced judgement, ordaining both the pannels to be hanged, in the Graſs-market of Edinburgh, on the 24th of March.

For underſtanding this matter, we ſhall give extracts from the informations; prefixing a *K.* to what we take from the information for the King's Advocate, and a *P.* to what we take from that for the Pannels.—— There was ſome diſpute whether the verdict was a general or a ſpecial one; but we ſhall attend only to the objections, which were four, and the anſwers.

Obj. 1. The verdict having been ſigned on a Sunday, is null. For the obſervance of Sunday is ſtrongly recommended by the word of God, and univerſally received by all Chriſtian nations. One effect of this obſervance is, to annul all judicial proceedings held on that day. The Jewiſh law was referred to, Ex. xx. 8.; the Roman law, l. 2. & 11. Cod. *De Feriis*; the law of England, Viner's Abridgement, *tit. Sunday*, p. 63. and Shepherd's Abridgement, vol. 3. p. 180.; and the law of Scotland, act 19. ſeſſ. 3. parl. 1. Ch. II. and act 14. 1695.

K. The authorities above referred to, allude ſolely to judicial proceedings held voluntarily on Sunday, which might have been taken with equal effect upon any other day. But any neceſſary act, whether in judicial proceedings, or in common life, though performed on Sunday, has been uniformly authoriſed by the laws of every country. A legal neceſſity is equally to be regarded as a natural neceſſity. A jury charged with a pannel, muſt complete their verdict before having communication with other perſons; if therefore the proceedings of a trial are brought to that period, that the jury muſt either ſign their verdict on Sunday, or act in ſuch a manner as would annul their proceedings, the ſigning on a Sunday becomes a work of neceſſity.—

If this doctrine of the pannels were liſtened to, every trial might be rendered ineffectual: for let the proſecutor begin on Monday morning, it would be in the power of a pannel, by changes of counſel, and clouds of witneſſes, to ſpin out the buſineſs to the following Sunday [ix. 501.]. Many verdicts have been ſigned on Sunday [xiv. 460.], and judgements have followed upon them, without any objection; and this is the firſt time that an arreſt of judgement was moved for on that account.

P. The diet might have been fixed toward the beginning of a week, and then the trial could certainly have been brought to a period without any danger of incroaching upon Sunday; ſo that the preſent caſe was not a matter of abſolute neceſſity, but of choice or convenience. As to artfully ſpinning out a trial, the court, if any thing of this kind were attempted by counſel, would at once interpoſe, and put an end to their operations.

Obj. 2. The verdict is imperfect, becauſe the jury have found only with reſpect to ſome articles, and have been ſilent as to the reſt, without finding them either proven or not proven; whereas they ought to have determined upon every article of the indictment; and this imperfection is alſo a nullity. The law of England was here appealed to.

A. The indictment in this trial contains a variety of acts, each of which make a ſeparate iſſue: and when the jury found the indictment proven with reſpect to ſome of theſe acts, it exhauſted theſe iſſues, and ſo made a complete verdict even according to the law of England, though the verdict found nothing as to the other iſſues in the indictment. By the forms of criminal indictments in Scotland, the iſſue is not compoſed of the whole facts ſet forth in the indictment; on the contrary, every indictment ſays, "All which, or part thereof, being proven:" ſo that the iſſue is reſtricted to any part of the facts upon which the proſecutor ſhall bring proof. Hence a verdict finding a part of the facts proven, is, by the forms of this country, agreeable to the iſſue with which the jury was charged; and, conſequently, a good verdict, although ſilent as to the reſt of the facts ſet forth in the indictment.—Here many caſes were quoted where ſuch verdicts were ſuſtained.—Neither is it of any weight what was pleaded, viz. That, notwithſtanding this verdict, the pannels might be tried again for the facts as to which the verdict was ſilent, not only for thoſe upon which the proſecutor brought proof, but alſo for others, which were charged in the indictment, but as to which the proſecutor brought no proof; and that if ſuch a trial were brought, this verdict could afford no defence to the pannels, becauſe it had not ſpecially acquitted them from thoſe facts. For if ſuch a trial were brought, the poſſibility of which is difficult to ſuppoſe, though the verdict was ſilent as to thoſe facts, it would afford a full defence to the pannels, upon this obvious principle, That as the facts charged in the indictment were remitted to the cognizance of an inqueſt, who took no notice of them, the favour of innocence would create a preſumption, that the jury had found no proof as to thoſe facts, and ſo their ſilence would be held as an acquittal of the pannels.

P. The indictment mentions ſeven or eight different parcels of ſheep, and makes a general charge applicable to each of theſe articles. That the pannels have been guilty, either of ſtealing them, or of receiving the ſame, knowing them to be ſtolen; but on looking into the verdict, we find three of the parcels entirely omitted. And even with reſpect to the parcels mentioned in the verdict, though the libel charges only one or other of two crimes, theft and receipt, and the jury could not poſſibly mean to find more than one of theſe crimes; yet they have not acquitted the pannels of the other, or found it not proven.—Nor is it a ſufficient anſwer to ſay, that his Majeſty's Advocate, during the courſe of the trial, paſſed from any proof with reſpect to the three articles above mentioned: for by the interlocutor upon the relevancy, the whole indictment as it then ſtood, without any limitation or reſtriction, was remitted to the knowledge of an aſſize; and if the proſecutor either paſſed from adducing evidence, or brought no ſufficient evidence with reſpect to any one of the articles, it was incumbent upon the jury, in order to exhauſt the indictment, to return a verdict *quoad* ſuch articles, finding them not proved. The buſineſs of the jury is not merely to condemn, or find guilty: they are bound to do equal juſtice to the proſecutor and the pannels; and as the former is intitled to have a verdict againſt the

the pannels where the jury are ſatisfied with the proof, ſo the latter has an equally good right to inſiſt for a verdict finding *not proven*, where the verdict is inſufficient with reſpect to all or any part of the crimes charged. Neither is it neceſſary here, to enter into a full inveſtigation, whether mere ſilence with reſpect to a particular branch of an indictment ſhall be held as equivalent to an abſolvitor, ſo as to afford the pannel the defence of a *res judicata* againſt any trial that might afterwards be brought for the ſame offence. The pannel, ſo far as the charge was not found to be proved againſt him, was intitled to have a verdict of the jury, finding *not proven*, in expreſs terms, which would at once have afforded him a complete *quietus*; and they had no right to throw him back upon the diſcuſſion of nice and abſtruſe queſtions in law, which are always attended with expence, and the event too often uncertain.

Obj. 3. As the indictment libelled theft, or receipt of theft, and ſubſumed facts inferring guilt, without diſtinguiſhing which of the crimes theſe facts, when proven, would infer; and as the jury have in general found the indictment proven with regard to certain articles of the fact, but are ſilent as to the crime that aroſe from the facts ſo found; therefore it is uncertain whether they meant to find the indictment proven to the effect of fixing the guilt of theft upon the pannels, or only of receipt; and, under this uncertainty, the verdict can authoriſe no judgement either for the one crime or the other.

K. If this objection ſhall annul the verdict, the pannels will be ſingularly fortunate. They had a fair trial; the jury are gentlemen of knowledge and unexceptionable characters; a full and ſatiſfying proof was brought of the pannels guilt; and it is admitted, that the jury have found them guilty of theft, or of receipt, crimes by law equal in puniſhment, and ſo cloſely connected that it is often difficult to ſay whether a perſon has been guilty of the one or the other. If ſuch a verdict ſhould be annulled upon a ſuppoſed uncertainty, the proſecutor would be apt to think, that the judgement was grounded, not on the rules of juſtice, but in that over-grown nicety and curioſity, which, according to Lord Chief Juſtice Hales, is the diſeaſe and reproach of the law [of England], and tends only to ſcreen crimes, "to the ſhame of government, to the encouragement of villany, and to the diſhonour of God." —— But this ſuppoſed uncertainty can have no influence on the verdict, whether it be conſidered as a ſpecial verdict, finding only facts proved, or as a general verdict, finding the indictment proved with regard to the facts which the verdict takes notice of. — 1. If the verdict be conſidered as ſpecial, the matter is clear: The jury have found the facts, without going further; it is the province of your Lordſhips to judge, whether they infer theft, or receipt of theft; and in this view the verdict is complete, and the plea of uncertainty flies off at once. 2. Suppoſing the verdict to be general, ſtill any ſeeming uncertainty is not in the fact, which it is the province of the jury to aſcertain, but in the law, which it is the duty and buſineſs of your Lordſhips to determine. The verdict finds the indictment proven againſt Murdiſon in regard to ſome acts, and againſt Miller in regard to others. Conſidering it as a general verdict returned upon the indictment, the interlocutor of relevancy, and the proof, all taken together, the import of it is ſhortly this: "We find ſuch and ſuch facts proven with reſpect to ſuch and ſuch parcels of ſheep: we farther find from theſe facts, that the pannel Alexander Murdiſon is guilty of ſtealing, or of receipting knowing them to be ſtolen, ſome parcels of theſe ſheep; and that the pannel John Miller is guilty of ſtealing or receipting another parcel: but we cannot determine, whether, by the rules of law and legal evidence, the facts which we have found ought to infer theft, or receipt of theft." In this analyſis of the verdict, which places the ſuppoſed uncertainty in the moſt favourable point of view for the pannels, there is no uncertainty whatever in the fact. The verdict finds the facts to be as they are ſet forth in the libel, and is only uncertain as to the conſequences of theſe facts, whether by the rules of law they ought to infer theft, or receipt of theft. In which ſituation it is impoſſible to deny, that it is the province of your Lordſhips to remove this uncertainty, by judging from the facts which the jury have found proved. — According to Lord Chief Juſtice Hales, where the verdict of a jury finds ſpecial matter in fact, but draws an erroneous concluſion in law from theſe facts, the court to whom the

verdict is reported, may hold it as ascertaining the fact, and give theſe facts their proper effect in law, without regarding the opinion of the jury in that particular. So, much more is it the province of your Lordſhips, in this caſe, to conſider the facts which the verdict finds proven, and judge from thence whether theſe facts infer theft or receipt. In ſo doing, you neither depart from the opinion of the jury, nor find any fact which they have not aſcertained: you only determine a point of law, which the jury did not take upon them to decide.

[Before entering on the reply made for the pannels, we give the major propoſition of the indictment, viz. "That where, by the laws of this, and all well-governed realms, theft, and particularly ſheep-ſtealing, or the receiving and keeping ſheep, or expoſing them to ſale, knowing them to be ſtolen, are crimes of a heinous nature, and ſeverely puniſhible; yet true it is, that you, and each of you, or one or other of you, have preſumed to commit, and have been guilty, actors, or art and part, of the aforeſaid crimes; in ſo far as, &c.]

R. The minor propoſition of the indictment ſets out with a long narrative of facts, with regard to the manner in which the ſheep alledged to have been ſtolen, were found upon the farm of Wormiſton, and how theſe ſheep were known to the herds of their former owners, although the marks appeared to be defaced; all which facts are mentioned, not as *per ſe* amounting to any crime, or as inferring any legal puniſhment, but merely as circumſtances of evidence, which were to be laid before the jury, in order to make out againſt the pannels the crime of *theft* or *receipt*, with one or other of which they were meant to be charged. What is properly the criminal charge in the indictment runs in theſe terms: "At leaſt, times and places reſpectively above mentioned, the aforeſaid quantities of ſheep, belonging to the perſons before named, or part thereof, were ſtolen; and you the ſaid Alexander Murdiſon and John Miller, and each of you, or one or other of you, *are guilty, actors, or art and part, of the ſaid thefts, OR of receiving, and having in your cuſtody, the aforeſaid parcels of ſheep, or part thereof, and of ſelling part of them, knowing them to be ſtolen.*" Here is an alternative charge, That the pannels were either guilty of ſtealing the ſheep, *or* of receiving them, knowing them to be ſtolen, which laſt was explained to mean the crime of *receipt*. Had the indictment accuſed the pannels of both crimes, it would have been abſurd, as a perſon cannot be guilty both of theft and receipt with reſpect to the ſame ſubject. The verdict is ſuppoſed, in general, to find the indictment proved. That indictment, however, leaves matters altogether uncertain. It does not poſitively charge the pannels with any one crime. It neither expreſsly affirms, that the pannel is a thief, or that he has been guilty of receipt. The plain meaning of which was, that the jury were to fix upon the particular crime, according to the evidence. But they have returned a verdict equally uncertain and ambiguous with the charge itſelf. The queſtion therefore is, To what branch of the alternative does the verdict apply, or of what crime can it be ſaid that the pannel is thereby convicted? It is undeniable that the verdict does not import a conviction of both theft and receipt, and equally clear that it does not import a conviction of either.—— The verdict is the only medium through which your Lordſhips can now view the cauſe; and in its ſtate of abſolute doubt and uncertainty, you are not intitled, by ſurmiſes or conjectures, to fix a meaning on the verdict which the jury has not expreſſed; and ſtill leſs can you pronounce a capital judgement, or indeed any judgement, without knowing with certainty upon what grounds, or for what particular crime; which might not improperly be termed making a ſtroke in the dark.—The caſe is exactly the ſame as if the crimes of theft and receipt, inſtead of being blended together, had been charged in two ſeparate indictments, and the jury had returned a verdict finding *one of the indictments* proven, without ſpecifying which: A verdict upon which the court could do nothing except to aſſoilzie; becauſe you could not know, for what crime, upon which indictment, or in which of the two trials that judgement was to paſs. Nor would the uncertainty be much greater, if the jury had declared in their verdict, that *one of the pannels* was guilty, without naming him.—The crimes of theft and receipt, though connected with reſpect to the ſubject-matter, are as diſtinct as any two crimes known in law; inſomuch that one George Graham having been indict-

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ed as guilty of *ſtealing*, or being *art and part* in ſtealing a bond; and the jury having returned a verdict, finding him guilty of *reſetting* that bond, your Lordſhips predeceſſors, Dec. 10. 1663, diſregarded the verdict, as diſconform to the indictment. The judgement of the court was in theſe words: "They find, That the verdict aforeſaid of the ſaid aſſize, does not meet the indictment; ſeeing the indictment is only for *theft* of the bond libelled, and *art and part* thereof, as is ſpecially libelled; and the verdict finds George Graham guilty of the *reſetting* and fraudulent uſing of the bond alledged ſtolen; *which they find to be diſtinct crimes:* therefore they aſſoilzie the ſaid George Graham."—If the verdict be applied to the ſecond branch of the charge, the pannel is not thereby found guilty of a capital crime, or indeed of any crime at all: "*Receiving, and having in your cuſtody*, the aforeſaid parcels of ſheep, or part thereof, and *ſelling part of them*, knowing them to be ſtolen." The offence charged, and ſuppoſed to be found proved by the verdict, does not come up to the crime of *receipt*, as defined by the writers on our criminal law; nothing being found, either directly or indirectly, with regard to the *fraudulent intention*, which conſtitutes the eſſence of this crime. The facts found proved by the verdict, receiving ſheep, and even ſelling them knowing them to be ſtolen, may be innocent; as, when a perſon receives goods, knowing them to be ſtolen, with the laudable purpoſe of detecting the thief, or in order to be produced as evidence upon his trial, or diſpoſes of ſuch goods for the behoof of the owner, who happens to be abſent, or by warrant of a judge. What conſtitutes the crime of *receipt* is, the receiving or ſelling with a fraudulent intention of concealing the thief, or ſharing in the profits.

Obj. 4. Suppoſing it in the power of the court to ſupply the defect of a doubtful verdict, they muſt apply it to that branch of the charge which implies the leaſt degree of guilt, and ſubjects to the mildeſt puniſhment.

This was denied by the proſecutor, and the before-recited authority of L. Ch. J. Hales [108] appealed to; though it was alledged to be of no importance, as receipt, as well as theft, was capital.

It was contended for the pannels, that receipt was not capital.

MARRIAGES.

Feb. 3. The Hon. Wilbraham Tollemache, brother of the Earl of Dyſart, to Miſs Anna Maria Lewis, eldeſt daughter of David Lewis, of Malvernhall, Warwickſhire.

8. At Dumfries, Mr John Maxwell merchant there, ſon of Thomas Maxwell, Eſq; of Drumpark, to Miſs Dolly Clark, youngeſt daughter of Mr John Clark writer in Dumfries.

At Edinburgh, Thomas Griffen Tarpley, Eſq; ſtudent of medicine, to Miſs Catharine M'Kenzie, daughter of the late Earl of Seaforth.

BIRTHS.

Feb. 5. At Edinburgh, Lady Margaret Fordyce, of a daughter. [xxxii. 342]

18. At Mugdrum in Fife, the Hon. Mrs Frederick Maitland, of a daughter.

"*St James's, Feb.* 25. Laſt night the ceremony of chriſtening the young prince [53.] was performed, in the great council-chamber, by the Archbiſhop of Canterbury. His R. Highneſs was named AUGUSTUS FREDERICK.—The ſponſors were, the Duke of Saxe-Gotha, repreſented by the Earl of Hertford, Lord Chamberlain of his Majeſty's Houſehold, Prince George of Mecklenburgh-Strelitz, repreſented by the Earl of Briſtol, Groom of the Stole, and Princeſs Louiſa of Heſſe-Caſſel, repreſented by Viſcounteſs Weymouth, Lady of her Majeſty's Bedchamber in waiting." *Lond. gaz.*—The Dukes of Glouceſter and Cumberland had no meſſages ſent them, and were not preſent at the birth or chriſtening of this prince; nor have their R. Highneſſes attended the court ſince their marriages were publicly declared. [xxxiii. 614.; xxxiv. 516.]

DEATHS.

Dec. 11. At Spaniſh-town, Jamaica, Sir William Trelawney, Bt, Governor-General of that iſland. His Excellency's remains were interred with every honour due to his rank, by the unanimous vote of the houſe of aſſembly, at the public expence, as a teſtimony of the regard due to his memory for his candid and upright adminiſtration.

In Sweden, a peaſant, at the age of 109 years. What is remarkable, his mother died aged 110, and his brother a few years ago died when he was 109.

Jan. Near Lampeter, Cardiganſhire, William Williams, Eſq; of Pantyſitty. This remarkable perſon led the life of a hermit at a place ſurrounded with the moſt ſtupendous rocks. He was poſſeſſed of a plentiful fortune, and the poor people near his abode ſtyled him *King of the Mountains*, from the great number of horſes he had there.

31. At London, in the 104th year of her age, Mrs Eliſabeth Clark. She never had an hour's illneſs.

Feb.

Feb. 1. At Kirkbrachead, near Edinburgh, Robert Arbuthnot of Kirkbrachead, Efq;

2. At Edinburgh, James Mounfey, Efq; of Rammerfcales, Lieutenant General, late privy counfellor, and firft phyfician to the Empreſs of Ruſſia; archiator, and chief director of the chancery of medicine, and of the whole faculty in that empire. —— This gentleman returned to Scotland, his native country, ſeveral years ago.

5. At Edinburgh, William Lord Newark. He was ſon of Sir Alexander Anſtruther, and Jean Leſly Baroneſs Newark; and upon her death in 1720, his Lordſhip aſſumed the name of Leſly, and the title of Lord Newark. Dying without iſſue, the title devolves on Alexander Anſtruther, Efq; merchant in Boulogne, his only ſurviving brother.

5. At Cromdale in Strathſpey, aged 95, Janet Grant, relict of William Cuming. She had ſeen 113 of her children, grandchildren, and great-grandchildren.

8. At London, Mary Compton, aged 105. This woman experienced the utmoſt capriciouſneſs of fortune: She married in 1691, and brought her huſband 4000 l.; which he entirely ſpent in one year at cards, &c. He ſoon after entered into K. William's ſervice, and was ſhot in the trenches before Namur. She placed her all in a ſmall houſe, and let ready-furniſhed lodgings; in which a fire happened one night, by the carelеſſneſs of a carpenter's apprentice, out of which ſhe eſcaped with only the cloaths on her back. She was then reduced to the neceſſity of ſoliciting the benefactions of the humane, in which ſituation ſhe continued till the year 1746, when a diſtant relation in Lincoln, hearing of her diſtreſſed ſituation, allowed her 20 l. a-year, which ſhe enjoyed till her death.

10. At London, James Roſſeter, Efq; Alderman of Broadſtreet ward, governor of the ceaſe-porters, and preſident of St Thomas's hoſpital.

10. At Edinburgh, Dr John Gregory, profeſſor of the practice of medicine in the univerſity of Edinburgh, (to which office he was appointed in 1766, on the reſignation of Dr Rutherford), one of his Majeſty's phyſicians for Scotland, and author of — A comparative view of the ſtate and faculties of man with thoſe of the animal world, — and of — Lectures on the duties and qualifications of a phyſician. —— In this gentleman were happily united all thoſe talents which conſtitute the agreeable companion, the eaſy friend, the inſtructive teacher, and the accompliſhed phyſician. As a general ſcholar, he was inferior to none: his learning, however, was of the ſolid, not of the ſpecious kind; and it never appeared unleſs upon proper occaſions. His taſte in the fine arts was delicate and correct, and in ſome of them he was a very conſiderable adept. His writings are ſpirited and elegant, calculated for general uſe; and evidently ſhew, that he was poſſeſſed of a mind free from all prejudice, and ſuperior to every mercenary view. They breathe a liberality of ſentiment far above moſt medical compoſitions, and ſeldom to be found even in thoſe of profeſſed philoſophers. As a phyſician, he was candid, knowing, and humane; an utter enemy to every thing that had the ſmalleſt appearance of myſtery or diſguiſe. He thought the medical art, to be generally admired, needed only to be better known; and that the affectation of myſtery tended to retard its progreſs, to render it ſuſpicious, and to draw ridicule upon its profeſſors. As a gentleman, his manners were affable and polite, his friendſhip warm and ſincere, his ſenſe of character juſt, and his integrity inviolable. In him the afflicted have loſt a real friend; youth, a ſteady guide to ſcience and virtue; his diſtreſſed family, an affectionate parent; ſociety, one of its beſt members; and medicine, one of its greateſt ornaments. *Edin. pap.* —— The muſical ſociety of Aberdeen, the city in which he was born and educated, and had long reſided, appointed a funeral concert to his memory; which was held Feb. 19. and conducted with taſte and propriety. The words of the firſt ſong, which were compoſed for the occaſion, and adapted to one of Handel's fineſt airs, were theſe:

O ye who melt at human woe,
Whoſe breaſts with love of virtue glow,
Attend and weep:
In endleſs ſleep,
The good, the wiſe,
The friend of man and virtue lies!

11. At or near Aberdeen, a woman of the name of Cadenhead, aged 103.

12. At Bath, Lt-Gen. Sir George Gray, Colonel of the 37th regiment of foot.

14. At Southampton, Lt-Gen. Rufane, colonel of the 6th regiment of foot. He bequeathed 500 l. to Mr Edward Salmon, of Haſſel in Cheſhire. In 1745 Mr Rufane was Major of Ancram's regiment, and Mr Salmon was his Enſign. At Bernera, a party commanded by them ſurrounded a hut in which highlanders had taken refuge; who having been ordered to ſurrender, one of them ruſhed out, and aimed a ſtroke with his ſword at the Major; which Mr Salmon dextrouſly received upon his ſpontoon, and ſecured the man. Mr Salmon quitted the army ſoon after, and has not correſponded with the General for twenty years; yet the gratitude and benevolence of the latter made him give his preſerver this teſtimony of his remembrance.

15. At his houſe of Park-proſpect, in the parish of St Margaret's, and county of Middleſex, in an advanced age, Gavin Drummond, Efq; formerly a ſurgeon in the navy. This gentleman was born in Strageath,

the parish of Muthill, Perthshire; and was son of James Drummond, brother of John Drummond of Kildees. He died a bachelor. Besides many legacies to charities in and about London, he has left 100 l. Sterling to the poor of the parish of Muthill; with a preference to those of the name of *Drummond* in the barony of Strageath; and another 100 l. to the royal infirmary of Edinburgh; the legacies, in whole, amounting to about 2000 l. The residue of his estate, which is considerable, he has left to a young gentleman, his relation, in Scotland, whom he has appointed to take the name of *Drummond*.

16. At Edinburgh, the Hon. Miss Mackay, eldest daughter of the late Lord Reay.

17. At London, Sir Stephen Anderson, Bt, the last male heir of that ancient family.

"*Turin, Feb.* 20. On Wednesday evening, the 17th inst. about six o'clock, his Sardinian Majesty was taken ill, and at two the next morning he lost his speech, and apparently all kind of sensation, not taking any nourishment from that time, or shewing any other sign of life, than barely continuing to breathe, till near one o'clock this morning, when he expired, as sincerely lamented by all his subjects, as he had constantly lived beloved and respected by them, during a reign of upwards of forty years." *Lond. gaz.* ——Charles Emanuel III. King of Sardinia, who died Feb. 20. in the seventy-second year of his age, was the son of the celebrated Victor Amadeus; and acceded to the throne, upon the resignation of his father, in September 1730. He was esteemed one of the greatest generals, as well as one of the ablest politicians, in Europe. He was exceedingly well versed in the business of negotiation, which he never trusted at all to his ministers, who were seldom acquainted with his treaties till they came to signing, and sometimes not then. His whole study was the interest of his subjects, which he perfectly understood, and steadily pursued; it became his rule of action to his life's end. He is succeeded by his eldest son, Charles, who ascends to the monarchy in the thirty-first year of his age, a prince of very amiable qualities. *Lond. pap.*

21. At Dalziel, Mrs Lawson of Cairnmuir.

21. At Air, James Ferguson, Esq; provost of that borough.

21. At London, Lt-Col. Jones, of the first regiment of foot-guards.

21. At his seat at Bramham-Park, near York, in the 77th year of his age, George Fox-Lane, Lord Bingley, Baron of Bingley, in Yorkshire. He was created Baron Bingley May 4. 1762, with limitation to his heirs-male by his Lady [xxiv. 228.], who was only daughter and heiress to Robert Benson, Esq; by whom, besides a fortune of 100,000 l. he obtained the fine seat at Bramham. As their only son, Robert, died without issue [xxx. 279.], the title is now extinct.

22. At Edinburgh, Mr Hugh Campbell, merchant in that city.

23. At Edinburgh, Mr Andrew Yule, merchant in that city.

24. At Perth, in an advanced period of life, Mr Andrew Cornfute, late rector of the grammar-school in that borough.

26. At Edinburgh, Alexander Pringle of Whitebank, Esq;

26. At Edinburgh, Patrick Campbell of Knap, Esq;

28. At Edinburgh, Mrs Jean Fraser, spouse of Mr John Macarthur writer in Edinburgh.

At Paisley, Margaret Snodgrass, aged 104. This woman was almost quite blind for many years; but about four years before her death, she recovered her sight, got a new set of teeth, and retained her senses to the last.

PREFERMENTS.

From the London Gazette.

The King has been pleased,

Feb. 5. to confer the honour of Knighthood on Thomas Hallifax, Esq; Alderman, and on Watkin Lewes, Esq; Alderman, and one of the Sheriffs.

The Rt Hon. Charles Jenkinson, Esq; was sworn of the privy council, Feb. 5.

Lt-Gen. James Adolphus Oughton was created one of the Knight of the Bath, and invested, by the King, at St James's, Feb. 22.

War-office, Feb. 15.

Inniskilling reg. of dragoons: —— Clowes, Gent. is appointed to be Cornet, vice Thomas Missing; by purchase.

11th reg. of dragoons: Thomas Dalton, Gent. to be Cornet, vice William Henry Lee; by purchase.

16th reg. of dragoons: Lieut. Thomas Nash to be Captain, vice John Walmesley; by purchase.

Ditto: Cornet William Crofts to be Lieutenant, vice Thomas Nash; by purchase.

17th reg. of foot: Ens. Sir Alexander Murray, Bt, to be Lieutenant, vice Samuel Duer; by purchase.

Ditto: Lieut. William John Darby to be Adjutant, vice Samuel Duer; by purchase.

Ditto: John Anstruther, Gent. to be Quartermaster, vice William John Darby; by purchase.

18th reg. of foot: Lieut. Robert Hamilton to be Captain, vice Thomas Ball; by purchase.

Ditto: Ens. John Joiner Ellis to be Lieutenant, vice Robert Hamilton; by purchase.

Ditto: George Butterieke, Gent. to be Ensign, vice John Joiner Ellis; by purchase.

20th reg. of foot: Henry Perran Brown, Gent.

Gent. to be Enfign, vice John Stanly, preferred: by purchafe.

22d reg. of foot: Enf. Willoughby James Burflem to be Lieutenant, vice Samuel Savory; by purchafe.

Ditto: Thomas Potter Everard, Gent. to be Enfign, vice Willeughby James Burflem; by purchafe.

25th reg. of foot: Enf. Patrick Brown to be Lieutenant, vice Henry Dalway, deceafed.

29th reg. of foot: Enf. Gilbert Carter to be Lieutenant, vice John Willoughby, deceafed.

Ditto: Ifaac Riches, Gent. to be Enfign, vice Gilbert Carter

30th reg. of foot: Enf. John Marfhall to be Quartermafter, vice Robert Marfhall, removed to the Invalids.

Ditto: Capt John Winter to be Captain, vice Edward Pountenay; by purchafe.

Ditto: Lieut. John Bell to be Captain-Lieutenant, vice John Winter; by purchafe.

Ditto: Enf. John Marfhall to be Lieutenant, vice John Bell; by purchafe.

Ditto: William Wilkinfon, Gent. to be Enfign, vice John Marfhall; by purchafe.

Ditto: Lieut. Thomas Campbell to be Adjutant, vice John Bell, preferred.

31ft reg. of foot: Enf. Alexander Hamilton, to be Lieutenant, vice Hugh Watton; by purchafe.

Ditto: Thomas Donaldfon, Gent. to be Enfign, vice Alexander Hamilton; by purchafe.

35th reg. of foot: Maj. Richard Allen to be Lieutenant-Colonel, vice Charles Heathcoate; by purchafe.

Ditto: Capt. Robert Sherwood to be Major, vice Richard Allen; by purchafe.

36th reg. of foot: Enf. Nathaniel Farnall to be Lieutenant, vice Stephen Morant; by purchafe.

Ditto: Hamfon Beckford Pallmer, Gent. to be Enfign, vice Nathaniel Farnall; by purchafe.

37th reg. of foot: Lieut. George Hind, from halfpay, to be Lieutenant, vice William Colvill, who exchanges.

Ditto: Enf. Robert Rorifon to be Lieutenant, vice Rowley Hall; by purchafe.

Ditto: George Matthews, Gent. to be Enfign, vice Robert Rorifon; by purchafe.

52d reg. of foot: Enf William Gordon to be Lieutenant, vice John Dinidale; by purchafe.

Ditto: David Graeme, Gent to be Enfign, vice William Gordon; by purchafe.

61ft reg. of foot: James Sivright, Gent. to be Enfign, vice John Anftruther; by purchafe.

67th reg. of foot: Thomas Figgins, Gent. to be Enfign, vice Edward Smith Stafford; by purchafe.

68th reg. of foot: Capt.-Lieut. Nicholas Colthurft, from halfpay, to be Captain, vice Edward Befwicke, who exchanges.

Quartermafter Robert Marfhall, of the 30th regiment of foot, to be Enfign to Captain Gildart's Independent company of invalids at Tilbury Fort, vice Archibald Finney, deceafed.

Serj.-Maj. Benjamin Timbury, of the 1ft regiment of foot-guards, to be Enfign to Captain William William's company of Invalids at Jerfey, vice Henry Downing, deceafed

Col. John Campbell to be Lieutenant Governor of Chelfea hofpital, vice Nathaniel Smith, deceafed.

From other papers, &c.

William Baillie, Efq; Advocate, Sheriff-depute of the county of Linlithgow, in the room of John Gillon, Efq; who has refigned.

Mr Alexander Duncan, writer to the fignet, Deputy-Commiffary Clerk of Edinburgh, in the room of Mr Charles Abercromby, deceafed.

Dr William Cullen, (Profeffor of the Theory) appointed by the town council of Edinburgh Profeffor of the Practice of Phyfic in the univerfity of that city, and by the King one of his Majefty's Phyficians for Scotland, both in the room of Dr John Gregory, deceafed.

Mr Andrew Dalziel, Profeffor of Greek in the univerfity of Edinburgh, in the room of Mr Robert Hunter, who has refigned. Admitted Dec. 23.

The Edinburgh bill of burials for February 1773.

Within the city	Males 36	70	108. Inct. 4	
	Fem. 34			
In the Weft-kirk-yard	Males 16	38		
	Fem. 22			

Age.			No	Diseases.	No
Under		2	27	Aged —	15
Between	2 &	5	16	Aflima —	2
	5 &	10	10	Bowelhive —	3
	10 &	20	3	Chincough —	6
	20 &	30	6	Confumption —	26
	30 &	40	4	Hiae paffion —	1
	40 &	50	9	Fever —	26
	50 &	60	11	Small pox —	15
	60 &	70	7	Stillborn —	4
	70 &	80	9	Suddenly —	1
	80 &	90	4	Teething —	1
	90 &	100	2		

Edinburgh, March 19. 1773. Oat-meal, 1s 1 d. Bear-meal, 8d. 2 f. Peafe-meal, 9 d.

Prices of grain at Haddington, March 5 1773

	Beft.	*Second.*	*Third.*
Wheat,	24 s. 6 d.	23 s. 0 d.	22 s. 2 d.
Bear,	20 s. 0 d.	19 s. 0 d.	18 s. 4 d.
Oats,	15 s. 2 d.	14 s. 8 d.	13 s. 6 d.
Peafe,	15 s. 0 d.	14 s. 6 d.	13 s. 4 d.